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PRIVATE LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY THE

TWENTY-THIRD GENERAL ASSEMBLY,

CONVENED JANUARY 5, 1863.

SPRINGFIELD:

BAKER & PHILLIPS, PRINTERS.

1863.

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PRIVATE LAWS.

ACADEMIES AND COLLEGES.

AN ACT to amend "An act incorporating the University of Chicago." In force February 13, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An act incorporating the University of Chicago," be amended as follows: That, in addition to the powers conferred by said act, the said university have power to establish an Astronomical Observatory; to receive donations and bequests of money and property, for the founding and maintenance of the same; to provide for the management of the said observatory, either directly by the trustees of the said university, or by a board of directors, to be appointed by the trustees of the said university, to whom the said trustees may delegate the necessary powers.

Astronomical
Observatory.

§ 2. This act to be in force from and after its passage.
APPROVED February 13, 1863.

A BILL for An act to amend the charter of the Chicago Law Institute. In force February 14, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers granted to said institute, by its charter, the said institute shall have power, by by-law or otherwise,

Forfeiture of
stock.

to forfeit and declare void the share or shares of stock of any member thereof, for the non-payment of assessments or installments on stock; such stock, when so forfeited, to be held and owned as the property of the institute.

Exemption from
sale of shares of
stock.

§ 2. When any practicing attorney owns a share or shares of stock in the "Chicago Law Institute," and does not own any private law library, the exemption of which private library from levy or forced sale to the extent in value of one hundred dollars, is provided for by an act entitled "An act concerning the exemption of personal property from levy or forced sale on execution or other process," approved February 22, 1861, such share or shares of stock so owned shall be, to the extent of one hundred dollars in value, exempt from levy and forced sale.

APPROVED February 14, 1863.

In force February
20, 1863.

AN ACT to authorize the trustees of the LaHarpe Academy, in the town of LaHarpe, to convey property.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the present organization of the LaHarpe Academy, in LaHarpe, Hancock county, be and the same is hereby legalized; and that J. W. Nudd, Samuel White, J. W. Bray, N. B. Butler, John Warren and O. Gochenour, the trustees of said academy, be authorized to convey to the city council of the city of LaHarpe, lots one and six, in block one, in Gochenour's addition to the town of LaHarpe, for school purposes, in accordance with the terms of an agreement now subsisting between said academy and said city council.

§ 2. This act shall be in force from and after its passage.

APPROVED February 20, 1863.

In force February
21, 1863.

AN ACT to amend an act entitled "An act to incorporate the Quincy English and German Seminary, in the City of Quincy, in the county of Adams, and State of Illinois," in force February 5th, 1855.

Change of name.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the corporation heretofore created by the act to which this an amendment shall be and is hereby changed to the "Quincy English and German College," with the same powers, duties, rights, liabilities and privileges, as the present body corporate, which is known by the name of "The Presi-

dent and Trustees of the Quincy English and German Seminary," now have or are subject to.

§ 2. The said corporation, heretofore designated as "The President and Trustees of the Quincy English and German Seminary," in the act to which this an amendment, shall hereafter be designated as the "Quincy English and German College," and shall hereafter sue and be sued, implead and be impleaded, upon or for all liabilities, rights or credits, debts, dues or demands, whether of the corporation heretofore known as "The President and Trustees of the Quincy English and German Seminary," or created by the same corporation, by and under the corporate name now conferred upon it, of the "Quincy English and German College," in and by the said name of the "Quincy English and German College;" and the title to all property, now vested in "The President and Trustees of the Quincy English and German Seminary," or hereafter acquired by said corporation, shall be and stand in the name of said corporation, under its present name of the "Quincy English and German College," subject to all liens, and rights of third parties, and of said corporation, as though no change had been made in said corporate name; and loans and securities given therefor, by said corporation, and decrees by reason thereof, are hereby confirmed.

General corporate powers.

§ 3. The said corporation, by and under its present corporate name of the "Quincy English and German College," shall have power, by and under its corporate name, as hereby amended, to borrow money, not exceeding the sum of one hundred thousand dollars, and to secure the same, by executing the notes or bonds of said corporation, and by executing mortgages or trust deeds, or any other incumbrances, upon the property of said corporation, real or personal, for the purposes of paying off debts now existing against the corporation created by the act to which this is an amendment, or for any purpose required by said corporation under its name, as changed by this act, or for any other purpose, not inconsistent with the purposes of the act to which this is an amendment, or of this act; and shall also have power, by and under its corporate name, as amended hereby, to lease the real or personal property of said corporation, or to sell the same, and by deed to convey all or any part of the real estate of said corporation, or to sell any or all the personal property of said corporation, for the purpose of paying the debts heretofore created, or which may hereafter be created under this act or the act to which this is an amendment, or for any purpose not inconsistent with this act or the act to which this is an amendment.

Power to borrow money.

Lease and sale of property.

§ 4. Said corporation shall have a common seal, to be by said corporation adopted, with such device as to said corporation shall be deemed proper.

Corporate seal.

§ 5. This act to be in force from and after its passage, and to be deemed and taken and received in evidence a public act.

APPROVED February 21, 1863.

In force February
21, 1863.

AN ACT to incorporate the Mattoon Female Seminary.

Preamble.

WHEREAS there has been, for more than a year, in successful operation in the city of Mattoon, Coles county, Illinois, a female school, by the name of the "Mattoon Female Seminary;" therefore, for the purpose of firmly establishing and permanently maintaining and making this a female seminary of the highest order, affording to all the opportunity of obtaining an intellectual education in all the substantial, refined, polished, classical and scientific attainments of the present age,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That D. F. McFarland, Alphens Hasbrouck, William Millar, B. F. Henry, James M. Miller, Leonidas Chapin and James Wright, and their successors in office, be and are hereby created a body politic and corporate, under the name and style of "Mattoon Female Seminary," and by that name and style to remain and have perpetual succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded; to hold all kinds of property, real and personal and mixed, which they may acquire by gift, grant, purchase, donation, devise, or otherwise, necessary to accomplish the object of the incorporation, and the same to dispose of, convey, or incumber, at pleasure—in which case, all conveyances shall be signed and acknowledged by the president of said incorporation; to have and use a common seal, and alter the same at pleasure; to make and alter such by-laws for the government of said incorporation, its officers and agents, not inconsistent with the constitution and laws of this State; and shall have and enjoy, and may exercise, all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

Corporators.

Style—Powers.

Object.

§ 2. The objects contemplated by this act of incorporation are, to build up and maintain, in the city of Mattoon, an institution of learning, of the highest class, for females; to teach and inculcate the principles of a sound morality, and for the promotion of the arts and sciences.

Trustees.

§ 3. The persons named in the first section, and their successors, shall be the trustees of said institution, a majority of whom, met at any time—all being notified of the time

and place of meeting—shall be a quorum to transact business, and shall have power to erect the necessary buildings; to appoint a president or principal—who shall not be removed unless for immorality—professors or teachers, and any other agents and officers; to confer degrees in the liberal arts and sciences, and to do all other things for the encouragement of sound christian morality and learning which are lawfully done by the most approved and first class female seminaries and colleges in the United States.

§ 4. The president or principal of said female seminary, President with the advice of the trustees, shall have power, from time to time, to ordain, regulate and establish the course and mode of instruction and education to be pursued in said seminary, and together with such professors, teachers and tutors as may be appointed by said trustees, shall be entitled and styled the “Faculty of Mattoon Female Seminary,” and shall have power to adopt and enforce such rules as may be deemed expedient for the government of the institution; which rules shall be in force until disapproved or annulled by the trustees and faculty.

§ 5. The trustees, or a majority of them, shall have power to meet at such times as they shall deem necessary, Trustees may confer degrees. by themselves or committee, for the examination of any candidates for literary degrees; and they are hereby empowered, upon recommendation of the faculty, to confer the same on such persons as in their opinion shall merit the same, and to give testimonials thereof, under their common seal; which diplomas shall also be signed by the president or principal, and all the professors and teachers.

§ 6. The trustees aforesaid may cause to be opened Capital stock. books of subscription to the capital stock of said incorporation, and may fix the whole amount of the capital stock, and may fix and limit the amount of each share, and the number of shares, and may close the said books whenever, in their judgment, a sufficient amount shall have been subscribed for the purposes hereof; which capital stock shall be deemed personal property, and shall be transferable by assignment of certificate on the books of said corporation, in such manner as the board of trustees shall prescribe; and for purposes of erecting suitable buildings and endowing said institution, the trustees shall have power to issue bonds and certificates of stock, secured by mortgage upon said institution; said bonds and certificates shall be in suitable sums, and of such an amount as best to accomplish the objects for which they shall have been issued, bearing such a rate of interest and having such times to mature as the trustees shall deem expedient; and they shall make suitable provision for the interest annually accruing on them. Said bonds and certificates may be redeemed at any time by the president or principal of the institution, and become personal stock, like the other shares of capital stock; and for the endowment of the

president or principal and teachers, the trustees may issue and dispose of scholarships, on such terms and conditions as may be agreed upon between them and the person or persons receiving the same.

§ 7. The principal or trustees, wishing to redeem any of said bonds or certificates before maturity, shall give three months' notice thereof; and should the holder or holders refuse to sell, the interest on such bonds shall cease at the expiration of said three months.

Seminary to be open to certain persons.

§ 8. The said female seminary, in all its departments, shall be open to all persons of such age and qualifications as shall be prescribed by the by-laws and rules of said incorporation, and the profession of any particular religious faith shall not be required of those who shall apply to become pupils; any one, however, may be suspended or expelled from said institution, whose habits are idle or vicious, and who refuse to obey the rules, or whose moral character is bad.

President.

§ 9. The trustees shall elect a president, who shall be one of their number, and may also appoint a secretary and treasurer, who may be stockholders, and require bonds, with security, from any officer or agent, conditioned for the faithful performance of the duties imposed upon them by this act of incorporation, and the regulations and by-laws made in conformity thereto.

No. of trustees may be increased or reduced.

§ 10. The board of trustees may be increased to the number of twenty-one at any regular annual meeting of the stockholders, or reduced to five. A majority present shall always be a quorum to do business, and in order to have perpetual succession, shall have power to fill all vacancies which may occur in said board, from death, resignation, or from any other cause.

Board of trustees elected annually.

§ 11. There shall be elected annually, by the stockholders of said incorporation, a board of trustees, which shall consist of not less than five nor more than twenty-one stockholders, who shall hold their office until their successors are elected and qualified. And at all elections for trustees, each stockholder shall be a voter, and shall be entitled to cast as many votes as he or she may own shares of capital stock. The first election of trustees shall be held at such time and place, in June, 1863, and annually thereafter on the day appointed, as the incorporators may direct; and until such election is held the above named persons shall be trustees, and perform all the duties enjoined upon trustees by this act.

Power of trustees to establish departments.

§ 12. The board of trustees shall have power to establish a preparatory department, in which the common branches may be taught; also, a normal department, for the training and qualifying of teachers of common schools, and shall be entitled to draw their proportion of the township, school, college and seminary funds, for such as may attend the

same: *Provided*, such reside in the district and county where the seminary is located.

§ 13. All property, of whatsoever kind and description, Of property. belonging to or owned by said corporation, or held in trust by any person or persons for the use thereof—whether said property be held in fee or for a limited time—shall be free from taxation for any or all purposes; the amount of property so exempt not to exceed one hundred and fifty thousand dollars.

§ 14. This act shall be deemed to be a public act, and shall be in full force from and after its passage.

APPROVED February 21, 1863.

AN ACT to incorporate the Mattoon College.

In force February
21, 1863.

WHEREAS there has been, for some time, in successful operation, in the city of Mattoon, Coles county, Illinois, a school, for males exclusively, by the name of "Mattoon Classical Institute;" therefore, for the purpose of firmly establishing and permanently maintaining and making this a school of the highest order, affording to all the opportunity of obtaining an intellectual education in all the substantial, refined, polished, classical and scientific attainments of the present age,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That W. S. Robertson, D. T. McIntyre, D. F. McFarland, T. C. Patrick, Leonidas Chapin, Alpheus Hasbrouck, B. F. Henry, William Millar and James M. Miller, and their successors in office, be and they are hereby created a body corporate and politic, for the purpose of founding and maintaining, in the city of Mattoon, Coles county, Illinois, an institution of learning, to be styled the "Mattoon College," and by that name to remain in perpetual succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded; to hold all kinds of property, real, personal and mixed, which they may acquire, by gift, grant, purchase, donation, devise, or otherwise, necessary to accomplish the object of the incorporation, and the same to dispose of, convey, or incumber, at pleasure—in which case all conveyances shall be signed and acknowledged by the president and secretary of said incorporation, by order of the Board of Trustees; to have and use a common seal, and alter the same at pleasure; to make and alter such by-laws, for the government of said incorporation, its officers and agents, not inconsistent with the constitution and laws of this State; and shall have and enjoy and may exercise all the powers,

Corporators.

Style—powers.

rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

Objects.

§ 2. The objects contemplated by this act of incorporation are, to build up and maintain, in the city of Mattoon, an institution of learning, of the highest class, for males, where all the refined, classical, ancient and modern literature, the arts and sciences, and every other branch of learning, may be taught, which is usually taught in all first class colleges in the United States, and for the inculcation of the principles of a sound christian morality.

Trustees.

§ 3. The persons named in the first section, and their successors, shall be the trustees of said institution, a majority of whom, met at any time, after all being duly notified of the time and place of meeting, shall be a quorum to transact business; and shall have power to erect the necessary buildings; to appoint a president or principal, professors and teachers, and any other agents and officers; to confer degrees in the liberal arts and sciences, and to do all other things, for the encouragement of sound christian morality and learning, which are lawfully done by the most approved and first class colleges in the United States.

President — his powers.

§ 4. The president of said "Collège of Mattoon," by and with the advice of the trustees, shall have power, from time to time, to ordain, regulate and establish the course and mode of instruction and education to be pursued in said institution, and, together with such professors, teachers and tutors, as may be appointed by said trustees, shall be entitled and styled the "Faculty of Mattoon College," and shall have power to adopt and enforce such rules as may be deemed expedient for the government of the institution— which rules shall be in force until disapproved or annulled by the trustees and faculty.

Trustees may confer degrees.

§ 5. The trustees, or a majority of them, shall have power to meet at such times as they shall deem necessary, by themselves or committee, for the examination of any candidates for literary degrees; and they are hereby empowered, upon recommendation of the faculty, to confer the same on such persons as in their opinion shall merit the same, and to give testimonials thereof; and such diplomas shall be signed by the president of "Mattoon College," and by all the faculty, by the president and secretary of the board of trustees, and shall have affixed thereto the seal of the institute.

Number of board may be increased.

§ 6. The board may be increased to any number of trustees, not exceeding twenty-one, at any regular meeting of the stockholders, or reduced to five, a majority of whom shall be a quorum, always, to do business; and, in order to have perpetual succession, shall have power to fill all vacancies which may occur in said board, from death, resignation, or from any other cause.

Gifts, etc.

§ 7. If any grant, gift, or devise, or bequest, shall be made to said corporation, for particular purposes, in accord-

ance with the design of this institution, and the trustees shall accept the same, it shall be applied in conformity with the express conditions prescribed by the grantor, deviser, or donor.

§ 8. The trustees aforesaid may cause to be opened books of subscription to the capital stock of said incorporation, and may fix the whole amount of the capital stock, and may fix and limit the amount of each share and the number of shares, and may close the said books whenever, in their judgment, a sufficient amount shall have been subscribed for the purposes hereof; which capital stock shall be deemed personal property, and shall be transferable, by assignment of certificate, on the books of said corporation, in such manner as the board of trustees shall prescribe; and for purposes of erecting suitable buildings, and endowing said institution, they shall have power to issue bonds and certificates of stock, secured by mortgage upon said institution—said bonds and certificates shall be in suitable sums and of such an amount as best to accomplish the objects for which they shall have been issued, having a reasonable time given for their redemption, and bearing such interest as may be fixed upon by said trustees, who shall make suitable provision for the interest falling due; and they may issue and dispose of scholarships, on such terms and conditions as may be agreed upon between them and the person or persons receiving the same.

Books of subscription.

§ 9. The said “Mattoon College,” in all its departments, shall be open to all persons, of such age and qualifications as shall be prescribed by the by-laws and rules of said incorporation; and the profession of any particular religious faith shall not be required of those who shall apply to become pupils; any one, however, may be suspended or expelled from said institution whose habits are idle, or vicious, or whose moral character is bad.

College open to certain persons.

§ 10. The trustees shall elect a president, who shall be one of their number, and may also appoint a secretary and treasurer, who may be of the stockholders, and require bonds, with security, from any officer or agent, conditioned for the faithful performance of the duties imposed upon them by this act of incorporation and the regulations and by-laws made in conformity thereto.

Officers.

§ 11. There shall be elected, annually, by the stockholders of said incorporation, three trustees, and when the number is increased or diminished, then one-third of the whole number, to take the place of those who go out of office, and, annually, thereafter, under a rule, to be made by the board, at their first meeting after the adoption of this charter; and at all elections for trustees, each stockholder shall be a voter, and shall be entitled to cast as many votes as he or she may own shares of capital stock. The first election of trustees shall be held at such time in June, 1863, and, annually,

Trustees elected annually.

thereafter, on the appointed day, as the incorporators may direct; and until such election is held, the above-named persons shall be trustees, and perform all the duties enjoined upon trustees by this act.

Board to estab-
lish depart-
ments.

§ 12. The board of trustees shall have power to establish separate departments, as preparatory, in which the common branches may be taught; also, an agricultural and scientific department, for the advancement of agriculture and science; also, a normal department, or teachers' institute, for the training and qualifying of teachers of common schools; also, a commercial and law departments. And when such common school department shall be in operation, agreeably to the common school laws of this State, the trustees shall be entitled to draw their proportion of the township, school and State funds, for such scholars as may attend the same; *Provided*, such scholars reside in the district where the college is located; also, the trustees shall be entitled to draw their proportion of all college and seminary funds and appropriations of Congress and the Legislature, for similar schools and colleges.

Of property.

§ 13. All property, of whatever kind or description, belonging to or owned by said corporation, or held in trust by any person or persons, for the use thereof, whether said property be held in fee or for a limited duration, shall be free from taxation, for any or all purposes, to the amount of one hundred thousand dollars.

§ 14. This act shall be deemed to be a public act, and shall be in full force from and after its passage.

APPROVED Februry 21, 1863.

In force June 13,
1863.

AN ACT to incorporate the Illinois Female College.

WHEREAS, by reason of the accidental burning of the west wing of the building of the "Illinois Conference Female College," the trustees became unable to meet their engagements and liabilities, without a sale of the property of the corporation; and a sale having been made to trustees, acting for a number of benevolent individuals, who furnished the funds to make the purchase, and pay the liabilities of the trustees and corporation, with an agreement that said trustees, in whose name the purchase was made, shall convey the said property to a corporation, to be held for the use and under the patronage and control of the "Illinois Annual Conference of the Methodist Episcopal Church," as, and for a literary institution; and

the objects of the parties interested not being attainable under any general law ; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George Rutledge, William Thomas, William S. Prentice, Mathew Stacy, Collin D. James, John Mathers, Hiram Buck, John A. Chesnut, and William Brown, and their successors and assigns, be and they are hereby created a body corporate and politic, by the name and style of "The Illinois Female College;" and by such name to have perpetual succession and existence, with power to sue and be sued, to plead and be impleaded, to take, have, hold and use property, real, personal and mixed, by any mode of conveyance or transfer, and to lease, mortgage or sell and convey the same, as a natural person ; to make, have and use a common seal, and the same to alter or change at pleasure ; to make and alter by-laws, for the government of the corporation, its officers, agents and servants: *Provided*, such by-laws be not inconsistent with the constitution and laws of the United States or of this State.

Corporate name
and powers.

§ 2. The objects and business of the corporation shall be to maintain, support and govern a college, for the education of females ; and all property and money acquired shall be held and used solely for that purpose and not as stock for individual benefit. The college shall remain located at Jacksonville, and the persons named in first section hereof shall be trustees until successors are appointed. The corporation is vested with power to confer such academical or honorary degrees as are usually conferred by similar institutions.

Location.

§ 3. The said trustees shall meet as early as practicable after the passage of this act at the "Illinois Conference Female College," and secure a conveyance of all the property purchased in accordance with the arrangement referred to in the preamble to this act, and shall then proceed to appoint a president or principal, and all such professors, instructors and instructresses, and employ all such agents and servants, as may be requisite to the objects and purposes of the corporation.

Conveyance of
property.

§ 4. At the first meeting of the trustees, one of their number shall be appointed president, who shall preside at all meetings of the board, and who shall, on his appointment, divide the members of the board into three classes, of equal numbers—the term of service of those composing the first class shall expire two years thereafter ; of those composing the second class, four years thereafter ; and of those composing the third class, six years thereafter ; so that the term of service of one-third of the board may expire, and successors be appointed every two years.

Organization of
the board.

Principal teachers. and § 5. The trustees shall have and exercise the following powers: to appoint the president or principal of the institution, the necessary professors, teachers, instructors or instructresses, and fix their compensation and prescribe their duties; to appoint a secretary and treasurer, a steward, and all other agents or servants necessary to the transaction of the business of the corporation and board, to fix their compensation and prescribe their duties, and also to require bond and security from any appointee, conditioned for the faithful discharge of duties; and further to dismiss or remove any of the aforesaid appointees at pleasure, and appoint or employ others in their stead; they shall also have power to prescribe the course of study, fix the price of tuition, board, rent of rooms, use of library, and other necessary accommodations for the pupils.

Filling vacancies. § 6. As the term of service of trustees expires, the remaining members of the board shall appoint, as successors, such persons as may be designated by the "Illinois Annual Conference of the Methodist Episcopal Church;" but vacancies occurring between the annual meetings of the Conference, may be filled by the board, until the next meeting of the Conference.

Real estate. § 7. The lot of five acres of ground to be conveyed to this corporation, on which the buildings and improvements of the "Illinois Conference Female College" are situated, being purchased and dedicated in perpetuity, as, and for the use of a literary institution, it is hereby declared that the trustees shall have no power to sell, convey or mortgage the same, or to create or permit the existence of any liability for or on account of which the same may be subject to sale under any decree, judgment or process of any kind; but the same shall forever remain free and exempt from sale for or on account of any indebtedness or liability created by the trustees, or permitted by them to accrue or exist against the corporation, anything in this act to the contrary notwithstanding.

§ 8. The said corporation shall not have or hold more than one hundred acres of land in perpetuity; and if lands exceeding that quantity shall be conveyed to said corporation, such excess shall be sold within five years; otherwise such conveyance shall be void and inoperative, and the lands shall revert or pass as though no such conveyance had been executed.

Apparatus and books. § 9. All money, property and effects, received by the trustees, shall be faithfully applied to the uses of the corporation, that is to the erection or repairing of buildings, the purchase of furniture, books, maps, charts, globes, chemical and philosophical apparatus, musical instruments, and to the compensation of those in the service of the corporation: *Provided*, that in case any gift, grant, devise or bequest, shall be made to the corporation, for particular purposes,

accordant with the design of the institution, and the trustees shall accept thereof, the money or property so accepted shall be used and applied in conformity with the conditions prescribed by the donor, grantor or devisor. The lot of land, formerly owned by the Illinois Conference Female Academy, and to be conveyed to this corporation, with the improvements thereon, containing about five acres, shall be exempt from taxation, for State, county and corporation purposes, so long as the same is used for the purposes of this corporation.

§ 10. A majority of the trustees for the time being, shall constitute a quorum for the transaction of ordinary business; but two-thirds of the whole number must concur in the appointment, removal or dismissal of the president or principal of the institution. The said trustees shall also have power, at any regular meeting, two-thirds of the whole number concurring therein, to appoint a committee of not exceeding five members, to be styled "The Executive Committee," and vest said committee with power to attend to and execute all the appropriate duties of the board during intervals between the regular meetings. Quorum.
Executive committee.

§ 11. This act is hereby declared a public act, and shall be admitted as evidence in all proceedings, judicial or otherwise, without being specially pleaded, and shall take effect on its passage.

APPROVED June 13, 1863.

AN ACT to incorporate the Directors of the Naperville Graded School. In force June 13, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the territory now composing school district number seven (7), in township thirty-eight (38), range nine (9), in the county of DuPage, and State of Illinois, and such territory as may be hereafter added thereto, as is herein provided, be and is hereby established a district for the purpose of maintaining a graded school, and may be known as the "Naperville School District;" that the business of said district shall be transacted by the present directors of said school district number seven, and their successors in office, to be elected as hereinafter provided; and that the district thus established, together with the said school directors and their successors in office, are hereby created a body politic and corporate, by the name and style of the "Directors of the Naperville Graded School," and by that name shall have perpetual succession, with full power to sue and be sued, plead and be impleaded, in all courts of law and chancery in this State, Directors.

Corporate powers. to make contracts; to acquire, hold and convey property, real and personal; to have and use a common seal, and alter the same at pleasure.

Enlargement of district. § 2. The said district may, at any time, be enlarged by the township trustees of the township in which it is now situated, by adding new territory thereto from said township; and territory may be added to said district from the adjoining township, by the joint action of the trustees of the township and the directors of the district to be affected thereby: *Provided*, no territory shall be added to or taken from said district without the consent of the corporation hereby created, to be evidenced either by an entry upon the books of said corporation, or a separate instrument, in writing, for that purpose.

Election of directors. § 3. The annual election of said directors shall be held on the first Monday in July, in each year, and shall be notified, conducted, and returns thereof made, at the same time and in the same manner; the term of office of said directors, and the qualification of voters at such election, shall be the same as is or may be provided by the general school law of this State for the election of school directors; special elections may also be held, at any time, to fill vacancies occasioned by the death, removal from the district, refusal or inability to act of any director; such special election to be called and notified by the remaining director or directors, by giving notices in the same manner, and for the same length of time, as the annual election herein provided for is called and notified; and the term of office of any director who shall be elected to fill a vacancy shall expire at the time the term of office would have expired the vacancy in which he is elected to fill.

Buildings and apparatus. § 4. The said directors shall have power to purchase or lease sites for school houses, with the necessary grounds therefor; to erect, hire or purchase buildings for school purposes, and keep them in repair; to furnish schools with necessary fixtures, furniture, libraries and apparatus; to conduct and maintain a graded school system in said district; to determine what length of time in each year schools shall be taught in said district; to receive scholars from without said district, upon such terms and for such rates of tuition as shall by said directors be fixed and established; to rent or lease any room or buildings belonging to said corporation, for school purposes, reserving the control thereof to themselves; to employ, determine the number, and fix the compensation of teachers within said districts, and of all other agents and servants; to prescribe the studies to be taught and books to be used in the schools in said district, including maps, charts, globes and all apparatus; to supply the insufficiency of school funds for the payment of teachers and other school purposes and expenses, by school taxes, to be levied and collected as hereinafter provided; to make, alter and establish, from time to time, all such rules, by-

laws, and regulations as shall be necessary to carry the powers herein granted into full execution, and as they may deem proper for the management and good government of the schools under their control; and, in addition to the powers herein specifically enumerated, to have, use and exercise all the powers now or hereafter conferred upon school directors by the general school laws of this State.

§ 5. Said directors shall, at their first meeting after the annual election, in each year, elect one of their number president and another secretary; and vacancies in either of said offices may be filled at any meeting of said board of directors. And all the contracts, conveyances and agreements of said corporation shall be signed by the said president and secretary. President and officers.

§ 6. The president shall be, *ex officio*, treasurer of said district; shall receive all moneys belonging thereto, keep a just and true account thereof, and pay them out only on the order of the board of directors, to be entered upon their records, and shall give such bonds for the faithful discharge of his duties as shall be required by said bond. The secretary shall keep a correct record of all the proceedings of the corporation hereby created, including all allowances of money made by said board, and shall draw orders upon the treasurer of said corporation in favor of all persons to whom allowances are made, payable at the time and in the manner directed by said board, which orders, so drawn, shall be also signed by the remaining director, not acting as president, and delivered to the persons entitled thereto; and all orders for money drawn and signed in the manner aforesaid are hereby declared legal and valid evidence of indebtedness against said district. Duties of officers.

§ 7. Said directors shall have power to levy, in each year, taxes to any amount they may deem necessary, not exceeding two per cent., on the taxable property of said district, both real and personal, for the purpose of paying all the debts now due from said school district, or that they may hereafter contract or assume, for the purpose of building, repairing or furnishing school houses, paying teachers' wages, purchasing school libraries or apparatus, and for any and all necessary school purposes, authorized by this act; and said directors shall certify to the county clerk of said county the amount or rate so levied, on or before the second Monday of September in each year; said certificate may be in the form given in the general school law for such purpose. Taxes.

§ 8. The county clerk of said county shall cause all school taxes levied in said district, and certified to him, as required by section seven of this act, to be computed and extended upon the proper collector's book or books, in the same manner that by the general school law of this State he is or may be required to perform the same duty in rela- Collection of taxes.

tion to school taxes; and the said county clerk shall, in the warrant attached to any collector's book in which there shall be computed any taxes belonging to said district, direct such collector or collectors to pay to the treasurer of the corporation hereby created all taxes by him collected belonging to said district or corporation, after deducting the legal compensation to which he or they may be entitled for making such collections; and the said collector or collectors shall pay over to the treasurer of said corporation all moneys collected by them belonging thereto; and the said treasurer shall give to said collector duplicate receipts therefor; and no other evidence of such payment shall be received by the county treasurer in his settlement with such collector.

Census of children.

§ 9. It shall be the duty of said directors to cause an abstract to be made of the whole number of white children under the age of twenty-one years, within said district, together with the number of acres of territory included in said district, and also such further information as is required in sections 36 and 79 of the act to establish and maintain a system of free schools, approved February 16th, 1857, which shall be returned to the school commissioner of said county of DuPage on or before the first Monday in October, in each year. And the said school commissioner shall apportion to said district, and pay, annually, to the treasurer of said corporation, for the exclusive use of said district, the amount the said district is entitled to receive from the funds that are or may be in his hands subject to distribution for the support and benefit of schools in said county, in accordance with the provisions of the free school law now or hereafter to be in force; said apportionment to be made to the said district by the said school commissioner in the same manner as if said district was a separate township of said county. And all fines assessed by justices of the peace in said district shall be paid over to said treasurer, on his demand.

§ 10. The treasurer of the said corporation is hereby authorized to demand and receive from the county treasurer of said county, and from the treasurers of the township or townships in which said district may be situated, and from any other public officer or person, any and all moneys at any time remaining in the hands of any such officers or person belonging to said district; and the receipt of the treasurer of said corporation shall be the only sufficient voucher therefor.

Previous contracts.

§ 11. Nothing contained in this act shall be so construed as to interfere with any contract heretofore made by the directors of said school district for the purchase of the Naperville Academy property, for the use of said district; but all contracts entered into and agreements made by said school directors, in reference to the purchase of said property, and to the employment of teachers, are hereby declared

to be valid and binding upon the corporation hereby created.

§ 12. The general school laws of this State shall remain and be in force in reference to the district hereby established except so far as the same are repealed or superseded by this act; and all acts or parts of acts conflicting with this act are repealed, so far as they apply to said district.

§ 13. This act shall be in force from and after its passage.

APPROVED June 13, 1863.

AN ACT to incorporate the Roman Catholic Asylum of the Diocese of the Catholic Bishop of Chicago. In force January 29, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Catholic Bishop of Chicago, Right Rev. James Duggan, his Vicar General, Very Rev. Dennis Dunne, and the pastors of the several Catholic congregations of the said diocese, *ex officio*, and such others as may from time to time be elected by the corporators, are hereby constituted a body corporate and politic, by the name and style of "The Roman Catholic Asylum of the Diocese of the Catholic Bishop of Chicago, for indigent children and adults;" and by that name shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are, or may become necessary, for the furtherance of the purposes of the said corporation, as fully and completely as a natural person might or could do; and also to adopt a common seal, and the same to alter and change at pleasure.

Corporate name and powers.

§ 2. The object and purpose of said incorporation shall be the providing of homes for, and otherwise aiding and relieving, destitute children and adults.

Relief of the destitute.

§ 3. The officers of the said corporation shall be a president, a vice president, a treasurer and secretary, to be selected from and by the said corporators, any six of whom shall form a quorum.

Officers.

§ 4. The said corporation shall be the guardian of all children, that by the provisions of this act shall be surrendered to said corporation, and it may in its discretion, indenture such children to an honorable trade or employment, but in all cases, provision shall be made in the indentures, by which such children are bound to service, for securing an education proper and fitting for the condition and circumstances in the life of such children.

The education of children.

Surrender of children by their parents or others.

§ 5. The father or mother according to their respective rights at law, or others to whom one or the other shall have validly transferred such rights, shall be considered the legal guardian for the purpose of making a surrender of a child or children to the charge and custody of said corporation; and where any judge of a court of record, a justice of the peace, or the mayor of the city of Chicago, within said diocese, has or may have authority to surrender any child to any incorporation, such judge, justice of the peace, or mayor, in case where the father is, or, if dead, was a Roman Catholic; and, in case where the father being dead, leaving the mother surviving him, who is, or, if dead, was a Roman Catholic; and in case where the father has directed the child or children to be educated in the Catholic religion; and, in case where the father being dead, the surviving mother has so directed, if any such officer shall exercise such authority, he shall make such surrender to the care and custody of the corporation hereby created, it not refusing to accept the said surrender.

The acquisition of property.

§ 6. The said corporation may receive, take and hold any gifts, devises, bequests or donations which may be made; and may acquire in fee, or for any less estate, real estate or any personal property necessary or convenient for the promotion of the said object or purpose; and all real estate or personal property held by or for the use of said corporation, or occupied or used by it, shall be free from taxation: *Provided*, the value of the real and personal estate so exempt shall not exceed fifty thousand dollars.

§ 7. This act shall take effect and be in force from and after its passage; shall be deemed a public act, and may be repealed or amended at any time.

APPROVED January 29, 1863.

In force February 14, 1863. A BILL for An act to exempt property of the American Bible Society and its auxiliaries and branches from taxation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the following property, which is now owned or may hereafter be owned in this State, by the American Bible Society, organized in the city of New York, in the year 1816, or by any of its auxiliaries or branches, shall be exempt from all taxes whatever, to-wit: real and personal estate, not exceeding in value fifty thousand dollars, in this State; also, all Bibles and Testaments, in the depositories of said society, and any articles of personal property necessary for the prosecution of their objects.

§ 2. All acts or parts of acts conflicting with this are hereby repealed.

APPROVED February 14, 1863.

AN ACT to incorporate the Springfield Home for the Friendless.

In force February
12, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Eliza Pope, Mercy Conkling, Louisa Dresser, Susan Cook, Lydia Williams, Elizabeth Bunn, Harriet Campbell, Ann Eastman, Maria Lathrop, Mary Hay, Catherine Hickox, Mary Ann Dennis, and Elizabeth Matheny, and their associates, are hereby constituted a body corporate and politic, by the name and style of the "Springfield Home for the Friendless;" and by that name shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are or may become necessary for the furtherance and advancement of the purposes of said incorporation, as fully and completely as a natural person might or could do.

Corporators and
corporate name.

§ 2. The object and purposes of said incorporation shall be the relieving, aiding and providing homes for friendless and indigent women and children.

Relief of the
friendless.

§ 3. Any person may become an annual member of said corporation who shall pay to the treasurer thereof the sum of one dollar annually; and any person may become a life member of said corporation who has paid or shall at any one time pay to the treasurer thereof the sum of ten dollars or more.

§ 4. The officers of this corporation shall be a president, vice president, secretary, treasurer and a board of female managers, not less than twelve, the number to be determined by the members of said corporation, from time to time. The president, vice president, secretary, treasurer and board of managers shall be elected, annually, by the members of said corporation, on the first Monday in each year. All of said officers shall hold their respective offices for one year, and until their successors are elected. In case of any vacancy in either of said offices, by death, resignation or otherwise, the board of managers shall have power to fill such vacancy until the next annual election. The regular annual meeting of the officers and managers of this corporation shall be on the first Monday in each year. The president and secretary of this corporation shall be, *ex officio*, president and secretary of the board of managers, and shall be associated with said board in all matters of business pertaining to this corporation. It shall require at least seven of said board of managers to constitute a quorum to do

Officers of corpo-
ration.

Filling of vacan-
cies.

Annual meeting.

Quorum.

business. In the absence of the president, the vice president shall preside as president, and in the absence of both, the managers may elect a president, *pro tem.*, and in the absence of the secretary, a secretary, *pro tem.*, may be appointed.

The acquisition of property.

§ 5. The said corporation may receive, take and hold, either by gift, purchase, devise, bequest or otherwise, any real or personal estate, for the use of and for the advancement of the purposes of said corporation, whether the same be purchased, given, devised, bequeathed or conveyed directly to said corporation, or to any of its officers, for the use of said corporation; and all real or personal property held by or for the use of said corporation or occupied by it shall be exempt from taxation, not exceeding in value twenty-five thousand dollars. No real estate to which said corporation shall acquire title shall be alienated or leased for a longer term than two years, at one time, except by a majority vote of the managers, at an annual meeting, or at a special meeting, to be called for that purpose, to be specified in the notice of said meeting.

Leasing of real estate.

By-laws and rules

§ 6. The board of managers may, at any time, appoint such subordinate officers, agents and committees, as they may deem necessary the more efficiently to carry out the objects of said corporation, and they may make and enforce such by-laws, rules and regulations as they may deem necessary for the election and government of officers and members of said corporation, and to govern the admission of applicants to the "Springfield Home for the Friendless;" also, for the government, discipline and disposal of those that may be received as inmates, and for the conducting and managing the general business of said corporation.

Surrender of children to the corporation.

§ 7. The board of managers of said corporation shall be the legal guardians of all children that, by the provisions of this act, shall be surrendered to the said corporation, and they may, in their discretion, indenture such children to an honorable trade or employment, but in all cases provisions shall be made in the indenture by which said children are bound to service for securing an education proper and fitting for the condition and circumstances in life of such children.

When mother to be a guardian.

§ 8. In case of the death or legal incapacity of a father, or in case of his abandoning or neglecting to provide for his children, the mother shall be considered their legal guardian for the purpose of making a surrender of them to the charge and custody of this corporation; and in all cases when the person or persons legally authorized to act as the guardian or guardians of any child are not known, the mayor of the city of Springfield may, in his discretion, surrender such child to said corporation.

Surrender of children by judge or mayor.

§ 9. In case it shall be shown to any judge of a court of record, or to the mayor, or to any justice of the peace, within the city of Springfield, that the father of any child

is dead, or has abandoned his family, or is imprisoned for crime, and the mother of such child is a habitual drunkard, or is imprisoned for crime, or is an inmate of a house of ill-fame, or if the mother of such child is dead, imprisoned for crime, or has abandoned her family, and the father of such child is a habitual drunkard and an unsuitable person to have the care of such child; or that the parents of any child have abandoned or neglected to provide for it, then such judge, mayor, or justice of the peace may, if he thinks the welfare of the child requires it, surrender such child to said corporation.

§ 10. Whenever complaint shall be made to the judge of any court of record, or to the mayor, or to any justice of the peace of the city of Springfield, that any girl under the age of fourteen years, or any boy, under the age of twelve years, is abandoned by or is sustaining relations to its parents or guardians, mentioned or contemplated in section nine of this act, it shall be the duty of such judge, mayor, or justice, to issue a warrant for the arrest of such child and its parents (if any it may have in Springfield); and if, on testimony satisfactory to said judge, mayor, or justice, it shall appear that such child has no parents, or is abandoned by its parents or guardians, or is sustaining relations to its parent, parents or guardians, contemplated in section nine of this act, the said judge, mayor, or justice, may, if he believes the best interests of such child require it, surrender such child to the care of said corporation.

§ 11. The Hon. Samuel H. Treat shall be the first president; George Passfield, sr., the first vice president; George Bowen, the first secretary; Jacob Bunn, the first treasurer, and Eliza Pope, Mercy Conklin, Louisa Dresser, Susan Cook, Lydia Williams, Elizabeth Bunn, Harriet Campbell, Ann Eastman, Maria Lathrop, Mary Hay, Catherine Hickox, Mary Ann Dennis, and Elizabeth Matheny, shall constitute the first board of managers by virtue of this act; and shall hold their offices until the first Monday in January, 1864, and until their successors are elected.

First officers and
board of man-
agers.

§ 12. This act shall take effect and be in force from and after its passage, and may be repealed or amended at any time.

APPROVED February 12, 1863.

AN ACT to amend an act entitled "An act to incorporate the Firemen's Benevolent Association," and for other purposes. In force February 13, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John T. Edwards, Henry Greenebaum, Frederick Letz, John L.

Corporate name
and powers.

Gerber, Augustus H. Burley, Anton Berg, Charles N. Holden, Edward Mendson, Silas McBride, Thomas Buckley, Darius Knights, Charles G. Peck, James H. Rees, Uriah P. Haines, George F. Foster, Peter Gleason, C. P. Bradley, Stephen F. Gale, H. G. Loomis and Philip Conley and their successors in office, are hereby constituted and appointed a "Board of Trustees of the Firemen's Benevolent Association of the city of Chicago," and are hereby vested with all the powers and authority of the board of directors of said association, and shall have the exclusive control of all the funds and property of said association, subject to all the conditions of the act to which this is an amendment; said above mentioned trustees to be divided into five classes of four each, to be determined by lot by said board of trustees, and to hold their office for one, two, three, four and five years, respectively, in the order of their class, and until their successors are elected; the vacancies thus created, and all other vacancies which may occur, by death, resignation, or removal from Cook county, shall be filled by and from the life members of this association, at an annual election to be holden on the second Tuesday in May of each year, after the year eighteen hundred and sixty-three, at such place and hour as the said board of trustees may designate, by ten days' public notice, published in two or more daily newspapers in said city of Chicago.

Annual election.

Repeal of former
act.

§ 2. Sections six, seven, eight, nine and ten, of the act to which this is an amendment, are hereby repealed; but no penalty or forfeiture heretofore incurred shall in any way be affected by said repeal.

Organization.

§ 3. The board of trustees created by this act shall, within three months after the passage of this act, meet at some place in the city of Chicago, and organize, by electing from their members a president, one vice-president, a secretary and treasurer, who shall continue in office during the pleasure of the board of trustees. Said board of trustees shall have authority to make such rules and by-laws as they may deem necessary for their own government.

Permanent fund.

§ 4. The board of trustees shall make the sum of forty thousand dollars, (\$40,000,) if there be that amount in the hands of said association—if not, then they shall make the sum of thirty-six thousand dollars a permanent fund, the annual interest of which shall be applied: *First*: To the relief of distressed, sick, injured or disabled members and their immediate families, and the clothing and education of the orphans or half orphans of indigent deceased members of said association; also, to provide a suitable burial and burial place for indigent members and their immediate families. *Second*: Any surplus interest, as aforesaid, after providing for the objects afore-named, and paying the necessary expenses of the said trust, shall be annually equally divided and paid, one equal one-quarter to the city of Chi-

Relief of sick.

cago, when the said city by its authorities, shall have erected a good and sufficient fire alarm telegraph, costing not less than twenty-five thousand dollars, (\$25,000,) to be paid so long, and no longer, than the said fire alarm telegraph shall be kept in good working order and operated by said city; one equal one-quarter of said surplus interest to the Chicago Orphan Asylum, (Protestant;) one equal one-quarter of said surplus interest to the Catholic Orphan Asylum; one equal one-quarter of said surplus interest to the "Home of the Friendless;" all of Chicago. The Orphan Asylum and Home of the Friendless, herein named, shall have and receive each one equal one-third part of said surplus interest, until the aforesaid city of Chicago shall complete said fire alarm telegraph.

Fire alarm telegraph.

Home of the friendless.

§ 5. Any surplus on hand at the time of the passage of this act, or that may hereafter accrue, otherwise than by interest, over and above forty thousand dollars, shall be held as a contingent fund, to be used by said board of trustees, for such purposes as they may deem necessary.

Contingent fund.

§ 6. If the expenditures necessary for the care, relief or burial of the aforesaid members, or their immediate families, shall, at any time, exceed the annual interest, and encroach upon the aforesaid principal sum, then, and in that case, the payments to the said city of Chicago, the Orphan Asylum, and the Home of the Friendless shall be suspended until the accretions, from interest or other sources, shall make the aforesaid principal sum up to its original amount.

May suspend pay to city.

§ 7. The said board of trustees may require of the different institutions, a full report annually, of the ways and means in and by which said moneys have been expended.

Annual report.

§ 8. That all acts and parts of acts which conflict with this act be and the same are hereby repealed.

§ 9. This act shall be deemed a public act, and shall take effect from and after its passage, and after the acceptance of these trusts by the said board of trustees.

APPROVED February 13, 1863.

AN ACT to incorporate the United Sons of Erin Benevolent Society of the city of Chicago. In force February 18, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Comisky, Redmond Sheridan, James McGrath, Lawrence H. O'Connor, Thomas McAnery and their associates, are hereby constituted a body corporate and politic, by the name and style of the "United Sons of Erin Benevolent Society of the city of Chicago;" and by that name shall have perpetual suc-

Corporate name.

cession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are or may become necessary for the furtherance and advancement of the purposes of said corporation, as fully and completely as natural persons might or could do.

Object.

§ 2. The object and purposes of said corporation shall be to extend relief and aid to its members, in case of sickness or infirmity, and to bury deceased members.

May receive property.

§ 3. The said corporation may receive, take and hold, either by gift, purchase, devise, bequest, or otherwise, any real or personal estate, for the use of and for the advancement of the purposes of said corporation; and may rent, lease, sell, convey, or in any wise dispose of the same, according to the by-laws of said corporation: *Providing*, such real and personal property shall not exceed in value twenty-five thousand dollars.

Officers.

§ 4. The officers of said corporation shall be a president, vice-president, recording secretary, corresponding secretary, and treasurer, who shall compose a board of trustees, to be elected annually, and by ballot. The said election shall take place on the second Friday in May, in each and every year, and the officers elect shall take their places at the first regular meeting; and the persons in the first section of this act mentioned shall compose the first board of trustees, and shall continue in office until the second Friday in May, one thousand eight hundred and sixty-three, and until their successors are elected and qualified; and in case of any vacancy in either of said offices by death, resignation or otherwise, the board of trustees shall have power to fill such vacancy until the next annual election; and it shall require a majority of said board to constitute a quorum for the transaction of business.

Membership.

§ 5. To qualify persons to become members of the said corporation, they shall be citizens of the United States of America, or at least have declared their intention to become such, of good moral character; under the age of forty-five years, and laboring under no bodily disease calculated to shorten life. A resident of Chicago, having the above qualifications, may become a member, by the payment of such sum as may be prescribed by the by-laws of said corporation.

By-laws.

§ 6. Said corporation is hereby authorized to establish such rules, regulations and by-laws, for the management of their business, as they may deem proper, and repeal and alter the same at pleasure.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 13, 1863.

AN ACT to incorporate the Grand Lodge of the State of Illinois of the Independent Order of the Sons of Herman. In force February 21, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George Oertel, Ludwig Juergens, John Keller, Fred. Grothe, Ths. Birchmeyer and Fred. Feder, the present officers in the Grand Lodge of the State of Illinois of the Independent Order of the Sons of Herman, and their successors, be and they are hereby declared to be a community, corporation and body politic, by the name and style of the "Grand Lodge of the State of Illinois of the Independent Order of the Sons of Herman;" and by that name they and their successors may hold and acquire property, real and personal; also, devise or bequests of any person or persons, bodies corporate or politic; be capable of making the same at their pleasure; to transfer or dispose of in such manner as they see proper: *Provided, always,* that the said corporation or body politic shall not, at any time, hold or possess property, real personal and mixed, exceeding in actual value the sum of twenty thousand dollars. Corporators.
Style.

§ 2. That the said corporation, and their successors, by the name, style and title aforesaid, shall be forever thereafter capable, in law and equity, to sue and be sued, plead, and be impleaded, answer and be answered unto, defend and be defended, in all and any courts of justice, and before all and any judge, officer or persons whatsoever, in all and singular actions, matters or demands whatsoever. Corporate power.

§ 3. That it shall and may be lawful for the said corporation to have a common seal, for their use, and the same, at their will and pleasure, to change, alter and make anew, from time to time, as they may think best; and shall, in general, have and exercise all such rights, privileges and immunities, as by law are incident or necessary to the corporation herein constituted. Seal.

§ 4. That the subordinate lodges, which are now belonging to, and which may hereafter be instituted by the said corporation and their successors, by the name and number of their respective encampments of the Independent Order of the Sons of Herman in the State of Illinois, shall be declared to be a community, corporation and body politic, and to be at all times hereafter capable in law to have, receive and retain to them and their successors, property, real and personal; also, devise or bequests, of any person or persons, body corporate or politic, capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper: *Provided, always,* that either of the said subordinate encampments or lodges shall not, at any time, hold or possess property real and mixed, exceeding in actual value, the sum of ten thousand dollars. Of subordinate lodges.

Seal.

§ 5. That it shall and may be lawful for either and all of said subordinate lodges to have a common seal, for their use, and the same at their will and pleasure, to change, alter and make anew, from time to time, as they may think best ; and shall, in general, have and exercise all such rights and privileges and immunities as by law are incident or necessary to corporations, and what may be necessary to the corporations herein constituted.

§ 6. This act shall take effect from and after its passage.
APPROVED February 21, 1863.

In force June 13,
1863.

AN ACT to incorporate the Chicago Ministry at Large.

Corporators.

Style.

Object.

Membership.

Officers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jonathan Burr, Charles B. Thomas, Jerome Beecher, Elisha W. Willard, Alpheus C. Badger, Josiah L. James, Edward K. Rogers, Charles H. S. Mixer, Amory Bigelow, Murry Nelson, Frederick P. Fisher, and their associates, are hereby constituted a body corporate and politic, by the name and style of the "Chicago Ministry at Large," and by that name shall have perpetual succession, and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such acts and things as are, or may be, or become, necessary for the furtherance and advancement of the purposes of said incorporation, as fully and completely as a natural person might or could do.

§ 2. The object and purposes of said incorporation shall be the relieving, care, culture, education and guardianship of destitute and neglected children, furnishing suitable and proper homes and employment for the same, and the relief of persons in indigent and needy circumstances.

§ 3. Any person may become an annual member of said corporation, by paying to the treasurer thereof the sum of five dollars, annually ; and any person may become a life member thereof, by paying to the treasurer, at any one time, the sum of fifty dollars or more.

§ 4. The officers of said corporation shall be a president, vice-president, secretary, treasurer, and a board of managers, not less than five in number, the number to be determined, from time to time, by the members of the corporation. The officers of said corporation shall be elected annually, on the second Monday of January, in each year, and shall hold their respective offices one year, and until their successors are elected. And in case a vacancy occurs in any of said offices, in any manner, the board of managers shall have the

power to fill such vacancy until the next annual meeting. The president, vice-president, secretary and treasurer, shall be *ex officio* members of the board of managers; and the president and secretary shall be, respectively, president and secretary of said board of managers, five of whom shall constitute a quorum for business.

§ 5. The said corporation may receive, take and hold, either by gift, purchase, devise, bequest or otherwise, any real or personal estate, for the use and for the advancement of the objects and purposes of said corporation, whether the same be purchased, given, devised, bequeathed or conveyed directly to said corporation, or to any of its officers, for the use of said corporation; and all real or personal estate, so held or owned by, or for the use of, said corporation, shall be exempt from all taxation. No real estate, so held or owned by or for the use of said corporation, shall be alienated, or leased for a longer term than two years, at any one time, except by a vote of the majority of the members of said corporation, at an annual meeting thereof, or at a special meeting thereof, to be called for that purpose, in the notice of which shall be stated the purpose and object for which said special meeting is called.

Corporate powers.

Real estate exempt from taxation.

§ 6. The board of managers may, at any time, appoint such subordinate officers, agents and committees as they may deem necessary, to carry out and effect the objects of said corporation; they may make and enforce such rules, regulations and by-laws as they may deem necessary for the election and government of members and officers of said corporation; for regulating and governing the admission of children to the care, culture and guardianship of said corporation; for regulating [and] governing the charities and charitable disbursements thereof; and for the government, management and discipline and disposal of the children which may from time to time, as herein provided, be surrendered to said corporation; and also for regulating, conducting and managing the general business of the said corporation: *Provided*, the same are not inconsistent herewith or with the laws of this State.

Powers and duties of board of managers.

§ 7. In case of the death or incapacity of the father, or of his abandoning, or neglecting to provide for his family, the mother shall, for the purposes of this act, be and be deemed the legal guardian of her children; and in cases where it is not known that there is any person, within this State, legally authorized to act as the guardian of any destitute or neglected child, the mayor of the city of Chicago shall, *ex officio*, for the purpose of this act, be and be deemed the legal guardian of such child; and any person, who, by the provisions of this act, is declared to be the guardian of any neglected, destitute or needy child, or who is in fact such guardian, whether the father, the mother, or other legal guardian, or the mayor of said city, may, in writing, surren-

Guardian of destitute children.

der such child, and the care, custody and control thereof, to this corporation; and the surrender, so made, shall be deemed a legal surrender, for the purposes and within the true intent and meaning hereof, and shall vest in the board of managers of this corporation the legal and exclusive guardianship and control of any child so surrendered.

Custody of destitute children surrendered to corporation in certain contingencies.

§ 8. If it shall be shown, upon complaint made to any judge of any court of record in Cook county, that the father of any child is dead, or has abandoned his family, or ceased to properly provide for the same, or is imprisoned for crime, and that the mother of such child is a habitual drunkard, or is imprisoned for crime, or is an inmate of a house of ill-fame, or a frequenter of such places; or if the mother of such child is dead, imprisoned for crime, or has abandoned her family, and the father of such child is a habitual drunkard, or an unsuitable person to have the care, custody and control of such child; or that the parents of any child have abandoned, or neglected to provide for it, then and in either of such cases, the said judge may, if he thinks the welfare of such child will be promoted thereby, by an order, to be duly entered of record, in his court, surrender such child to said corporation; and such order, so made and entered, shall vest in the board of managers of said corporation, if they elect to accept the same, the legal and exclusive guardianship and control of such child.

Surrender children judge.

of by

§ 9. Whenever complaint shall be made to any judge of any court of record in Cook county, that any girl, under the age of fourteen years, or any boy, under the age of twelve years, is abandoned by its parents or guardian, or that the parents of any such boy or girl sustain the relations to them mentioned or contemplated in the preceding section, it shall be the duty of such judge to issue a warrant for the arrest of such child and of its parents or guardians, (if any it may have, residing in the city of Chicago,) returnable before said judge; and if upon the hearing upon said complaint, it shall appear to said judge that such child has no parents, or is abandoned by its parents or guardian, or that any of the causes authorizing the surrender of such child to said corporation, which are specified in the preceding section, exist, then the said judge, in either of said cases, may, if he thinks the welfare of such child will be promoted thereby, make the order of surrender provided for in the preceding section, in the manner and with the effect therein provided and set forth.

Children may be indentured.

§ 10. The board of managers of said corporation, as the legal guardians of the children surrendered to said corporation in any of the ways in this act provided, may in their discretion, indenture said children to an honorable and suitable trade or employment, or, without indenture, may find and provide for them or any of them, suitable and proper homes and employment; but in all cases provision shall be

made in the indenture by which any of such children may be bound to service, or in any arrangement or agreement in and by which any of such children may be provided with homes or employment, for securing to such children an education proper and fitting for the condition and circumstances in life of such children.

§ 11. Rev. Charles B. Thomas shall be the first president; Alpheus C. Badger the first vice-president; Charles H. S. Mixer the first secretary; and Frederick P. Fisher the first treasurer; and Jonathan Burr, Josiah L. James, Edward K. Rogers, Jerome Beecher, Amory Bigelow, Murry Nelson and Charles W. Gray, the first board of managers, under and by virtue of this act, and shall hold their offices respectively until the second Monday of January, A. D., 1864, and until their successors are elected. Officers.

§ 12. This act shall take effect and be in force from and after its passage.

APPROVED, June 13, 1863.

AN ACT for the relief of the City Bank of Eames, Allen & Co.

In force February
14, 1863.

WHEREAS the City Bank of Eames, Allen & Co., located at Ottawa, in LaSalle county, have, in pursuance of the act in force January 10, 1855, entitled "An act to amend an act to establish a general system of banking, and the act supplementary thereto," approved February 10, 1853, filed with the Auditor certificates of their desire and intention to withdraw their bills from circulation, and are now desirous of withdrawing and canceling said certificate, and of resuming business, as if no such certificate had been filed; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said City Bank of Eames, Allen & Co., be and is hereby authorized to withdraw and cancel said certificate, and to resume and transact their business and conduct their affairs in every respect as if said certificate, so filed by them, as aforesaid, had never been made and filed with said Auditor.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 14, 1863.

In force February
21, 1863.

AN ACT to incorporate the Fulton Savings Bank.

Corporators.

Name and style.

Capital stock.

Election of di-
rectors.

May receive de-
posits.

Trust funds, etc.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Leonard F. Ross, Alexander Hull, Levi C. Howell, James B. Dodge, William N. Cline, and such other persons as may become stockholders in the corporation hereby created, be and are hereby declared and constituted a body corporate, by the name and style of the "Fulton Savings Bank;" and may have and use a common seal, and that said bank shall be located at Lewistown, Fulton county, Illinois.

§ 2. The capital shall be twenty thousand dollars, and may be increased by said corporation to any sum, not exceeding one hundred thousand dollars, shall be divided into shares of fifty dollars each, and deemed personal property. Each subscriber of stock shall pay, at the time of subscribing, twenty per cent. of the sum subscribed, and the remainder in such sums, and in such manner, as may be determined by the directors of said corporation. The corporators mentioned in section one of this act, or a majority of them, may open books for subscription of stock, at Lewistown, Fulton county, Illinois, at such time and place as they may appoint, upon giving twenty days' notice thereof, in some paper published in said county; and when the sum of five thousand dollars is subscribed, the said corporators, or a majority of them, shall give notice of the time and place, in like manner, to the stockholders, to meet and elect five directors, who shall hold their office until their successors are elected under the by-laws of the corporation. The directors shall elect a president, from their number, and such other officers and agents as they may deem necessary; and shall have power to fill any vacancy in their number. At each meeting of the stockholders, each share of stock shall entitle the owner thereof to cast one vote, in person or by proxy: *Provided*, that the amount due the corporation on such shares of stock so proposed to be represented, shall have been paid at or before the time of such meeting.

§ 3. The said corporation shall be authorized to receive money from any person or persons who may wish to deposit the same. Married women and minors may, in their own names, subscribe for stock and deposit money with said corporation, and receive certificates of stock and of deposits, in their own names; which stock and deposits shall be subject to their disposal and order only. All deposits of money shall be used and improved in a manner not inconsistent with the laws of this State; and any rate of interest, not exceeding that allowed by law, shall be paid for such deposits.

§ 4. The said corporation may accept and execute all such trusts, whether fiduciary or otherwise, as may be committed to it by any person or persons, or by the order of

any court tribunal in the State of Illinois; may make such special regulations, in reference to trust funds, deposits or savings, as shall best aid the depositors and parties interested, by accumulating and increasing the same, allowing and receiving such rate of interest therefor, not greater than hereinbefore mentioned, as may be agreed upon; may grant and purchase annuities, issue letters of credit and other commercial obligations: *Provided*, the same shall not be in the similitude of bank notes, or other evidences of debt, to circulate as money. The said corporation shall have power to loan and borrow money, to receive money on deposit and pay interest therefor, and to loan money at any rate of interest, not exceeding ten per cent. per annum, or to discount, in accordance with bank usage, and take such security as the directors may see proper; may take stock in other corporations; may buy and sell exchange, bills, notes, bonds and other securities or evidences of debt; and may have and hold coin and bullion.

May receive deposits and loan money.

§ 5. The business of said corporation shall be conducted by the directors, and in such manner as they may determine by their by-laws and ordinances. Three of the directors, one of whom shall be the president, or vice president, shall be a quorum for the transaction of business of every kind. The officers of the company shall perform such duties as may be enjoined upon them by the board of directors, and such as are usual in such corporations.

Duties of officers.

§ 6. The said corporation shall have power to purchase and hold such real and personal estate as may be convenient for the transaction of its business; to take and hold any real or personal estate as security for the payment of loans or debts due or to become due to said corporation, and to purchase real and personal estate, at any sale, to enforce its securities or the payment of debts due, made by virtue of any process, mortgage or deed of trust, or other instrument, and to hold said property, or to sell and convey the same, or any part thereof, at such price and under such conditions as the directors or officers may determine.

Corporation may purchase and hold real and other property.

§ 7. If at any time the capital of the corporation shall be insufficient to pay all claims of depositors and other creditors, all the stockholders shall be severally individually liable to an amount equal to the amount of stock held by them, respectively, and such liability shall continue for one year after the sale and transfer of any such stock by any stockholder, but only for debts contracted during the time of being such stockholder; and no suit shall be brought, unless the same is commenced within one year from the time he or they shall cease to be such stockholder: *Provided*, that the time that any suit is pending against the corporation, for the same cause of action, shall be deducted from the said term of one year.

Individual liability of stockholders.

Stocks forfeited,
etc.

§ 8. In case any stockholder shall fail to pay any installment for thirty days, after a call therefor, the directors may declare the stock forfeited to the corporation, together with the sums already paid thereon; or may, at their option, sue for and recover the entire amount of subscription remaining unpaid.

Individual liability of stockholders—further provision.

§ 9. That the stockholders of this corporation shall be individually liable for all the debts and liabilities of the corporation contracted or incurred during the time they are stockholders, and one or more of whom may be sued for such debts or liabilities.

§ 10. That unless the corporation hereby created shall become organized within one year from the date of the passage of this act, the provisions of this act shall cease and become void; and the fact of such organization shall be evidenced by a certificate thereof, made by at least two members of such corporation, under their respective oaths, and filed in the office of the Secretary of this State, within sixty days from the date of such organization.

Book for record and transfer of stock.

§ 11. That said corporation shall keep a book at their place of doing business, which shall be open at all times, during business hours, for the inspection of all persons; wherein shall be recorded all stocks or shares issued by said corporation, and all transfers thereof; and no transfer shall be valid unless so recorded.

§ 12. This act shall take effect from and after its passage, and shall be liberally construed for all purposes herein contemplated.

APPROVED February 21, 1863.

In force February 13, 1863.

AN ACT to reduce the Charter of the City of Chicago and the several acts amendatory thereof into one act, and to revise the same.

Be it enacted by the People of the State of Illinois, represented in the General Assembly—

CHAPTER I.

CITY AND WARD BOUNDARIES.

§ 1. The inhabitants of all that district of country, in the county of Cook, and State of Illinois, contained within the limits and boundaries hereinafter prescribed, shall be a body politic, under the name and style of the "City of Chicago;" and by that name sue and be sued, complain and defend, in any court; make and use a common seal, and alter it at pleasure; and take and hold, purchase, lease and convey such real and personal or mixed estate as the pur-

poses of the corporation may require, within or without the limits aforesaid.

§ 2. The corporate limits and jurisdiction of the city of Chicago shall embrace and include within the same all of township thirty-nine north, range fourteen east of the third principal meridian, and all of sections thirty-one, thirty-two, thirty-three, and fractional section thirty-four, in township forty north, range fourteen east of the third principal meridian; together with so much of the waters and bed of Lake Michigan as lies within one mile of the shore thereof and east of the territory aforesaid. Boundaries.

§ 3. All that portion of the aforesaid territory lying north of the center of the main Chicago river and east of the center of the north branch of said river, shall constitute the *North Division* of said city; all that portion of the aforesaid territory lying south of the center of the main Chicago river and south and east of the center of the south branch of said river and of the Illinois and Michigan canal, shall constitute the *South Division* of said city; and all that portion of the aforesaid territory lying west of the center of the north and south branches of said river and of the Illinois and Michigan canal, shall constitute the *West Division* of said city. North Division.
South Division.
West Division.

§ 4. The city of Chicago shall be divided into sixteen wards, as follows: Wards.

First Ward. All that part of the South Division of said city which lies south of the center of the main Chicago river and north of the center of Monroe street, shall be denominated the first ward.

Second Ward. All that part of the South Division of said city which lies south of the center of Monroe street and north of the center of Harrison street, shall be denominated the second ward.

Third Ward. All that part of the South Division of said city which lies south of the center of Harrison street and north of the center of Sixteenth street, shall be denominated the third ward.

Fourth Ward. All that part of the South Division of said city which lies south of the center of Sixteenth street and east of the center of Clarke street and a line corresponding with the center of the last named street projected southerly to the city limits, shall be denominated the fourth ward.

Fifth Ward. All that part of the South Division of said city which lies south of the center of Sixteenth street and west of the center of Clarke street and a line corresponding to the center of the last named street projected southerly to the city limits, shall be denominated the fifth ward.

Sixth Ward. All that part of the West Division of said city which lies south of the center of Van Buren street and east of the center of Jefferson street continued to the South

Branch of the Chicago river, shall be denominated the sixth ward.

Seventh Ward. All that part of the West Division of said city which lies south of the center of Van Buren street, west of the center of Jefferson street continued to the South Branch of the Chicago river, and east of the center of Morgan street continued to the South Branch of the Chicago river, shall be denominated the seventh ward.

Eighth Ward. All that part of the West Division of said city which lies south of the center of Van Buren street and west of the center of Morgan street continued to the South Branch of the Chicago river, shall be denominated the eighth ward.

Ninth Ward. All that part of the West Division of said city which lies south of the center of Fourth street, west of the center of Curtis street and Aberdeen street, and north of the center of Van Buren street, shall be denominated the ninth ward.

Tenth Ward. All that part of the West Division of said city which lies south of the center of Randolph street, east of the center of Curtis street and Aberdeen street, and north of the center of Van Buren street, shall be denominated the tenth ward.

Eleventh Ward. All that part of the West Division of said city which lies south of the center of Fourth street, east of the center of Curtis street, and north of the center of Randolph street, shall be denominated the eleventh ward.

Twelfth Ward. All that part of the West Division of said city which lies north of the center of Fourth street continued to the North Branch of the Chicago river, shall be denominated the twelfth ward.

Thirteenth Ward. All that part of the North Division of said city which lies north of the center of North avenue, shall be denominated the thirteenth ward.

Fourteenth Ward. All that part of the North Division of said city which lies south of the center of North avenue and north of the center of Division street, shall be denominated the fourteenth ward.

Fifteenth Ward. All that part of the North Division of said city which lies south of the center of Division street, and north of the center of Huron street continued to Lake Michigan and to the North Branch of the Chicago river, shall be denominated the fifteenth ward.

Sixteenth Ward. All that part of the North Division of said city which lies south of the center of Huron street continued to Lake Michigan and to the North Branch of the Chicago river and north of the center of the main Chicago river, shall be denominated the sixteenth ward.

CHAPTER II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

§ 1. The municipal government of the city shall consist of a common council, composed of the mayor, and two aldermen from each ward. The other officers of the corporation shall be as follows: A clerk, a comptroller, a board of public works, a city engineer, a board of police, a superintendent of police, a school agent, a board of education, a superintendent of schools, a board of guardians of the reform school, a commissioner of the reform school, a counsel to the corporation, a city attorney, a treasurer, a collector, a city physician, a board of assessors, two or more police justices, a clerk of the police court, one chief, and a first and second assistant engineer of the fire department, one or more harbor masters, one inspector of fish, three inspectors of elections for each ward or election precinct, and as many bridge tenders, firemen, constables, policemen, sealers of weights and measures, inspectors, measurers, weighers, gaugers, keepers and assistants of workhouses, hospitals and bridewell or house of correction, bellmen, and such other officers and agents as may be provided for by this act or the common council may, from time to time, direct. City officers.

§ 2. The common council may divide the wards of said city into so many and such convenient election districts as to the said common council shall seem proper. Each ward or district shall constitute an election precinct, and the inspectors of election and the places for holding elections therein, for city, town, county and State officers, shall be appointed by the common council. All elections for State, county and town officers in said wards and precincts shall be conducted, and returns thereof made to the county or town clerk, as provided by the law regulating State, county and town elections. And whenever at any election it shall appear that there have been more than six hundred votes polled in any election precinct, it is hereby made the duty of the common council, at least two months before the recurrence of another election, to divide such precinct into two or more districts and appoint places for holding elections therein. Election districts

§ 3. The municipal election in said city shall be held on the third Tuesday of April in each year, at which time there shall be elected, by the qualified voters of said city, all officers to be elected at the general municipal election. Six days' previous public notice of said election shall be given by the city clerk, by publication in one or more newspapers published in said city, and no special election shall be hereafter held in said city, for the election of city officers, except as in this act provided. Municipal election.

§ 4. The municipal officers, to be chosen at the annual election, shall enter upon the duties of their respective offices on the first Monday of May succeeding their election.

Officers elected
by people.

§ 5. The mayor, city attorney, treasurer, collector, clerk of the police court, and chief and first and second assistant engineers of the fire department, shall be elected by the people, and shall hold their respective offices for the term of two years, and until their successors shall be elected and qualified. The person having the highest number of votes cast in the whole city for either of such offices, shall be declared elected.

§ 6. At the annual municipal election the electors in their respective ward shall vote for one alderman and one constable, and the persons receiving the highest number of votes cast in the ward for such offices respectively, shall be declared elected.

Aldermen.

§ 7. The several wards of the city shall be respectively represented in the common council by two aldermen, who shall be residents thereof, and who shall, except as herein otherwise provided, hold their offices respectively for two years from and after the first Monday in May next succeeding their election. They shall be divided into two classes, each class consisting of one alderman from each ward. The seats of the first class shall be vacated at the end of the first year and of the second class at the expiration of the second year, so that one alderman from each ward may be annually elected. In all cases where two aldermen are to be chosen from the same ward at any annual election, the alderman having the highest number of votes shall be declared elected for two years, and the candidate having the next highest number of votes, for one year; and in case of the two successful candidates having an equal number of votes, the term of service to which they shall be respectively entitled shall be determined by the casting of lots in the presence of the common council, and the result shall be entered upon their proceedings. If any alderman remove from the ward represented by him, or shall engage or continue in any service, business or employment causing a continuous absence from the city for more than four months, his office shall thereby become vacant; and whenever any vacancy shall occur in the office of any alderman, the common council shall, within ten days after the happening of such vacancy, order a new election, provided that more than six months of the term shall then remain unexpired.

Tie votes.

§ 8. Whenever there shall fail to be an election of any officer voted for by the people, in consequence of two or more candidates receiving the highest and an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, and the result shall be entered upon their proceedings.

Commissioners of
police and of
public works.

§ 9. The board of public works and the board of police shall each consist of three commissioners, in addition to the mayor, who shall be chosen by the people, one from the north, one from the south and one from the west divisions

of said city. The person having the highest number of votes in the whole city for either of such offices shall be declared elected. Said commissioners, when elected, shall hold their office, the commissioner of the board of public works for the term of six years, and the police commissioner for the term of three years and until the election and qualification of their successors. The term of office of one commissioner of each board shall expire every year, and every second year respectively, so that one commissioner shall be elected to the board of police every year, and to the board of public works every second year from the division of the city in which the commissioner resides whose term of office expires. Should a vacancy occur, it shall be filled by appointment by the mayor, with the advice and consent of the common council of said city, until the next regular city election, when the qualified voters of said city may, as in other cases, fill such vacancy by an election of a successor, who shall hold his office for the unexpired term; said commissioners shall be elected in the same manner as is provided for the election of general city officers, by general ticket, by the qualified voters of the whole city; and no person shall be elected a commissioner of either of said boards, unless he has been a resident of said city at least three years, and a resident freeholder in the division of said city for which he is elected at least one year immediately preceding his election.

§ 10. Any commissioner of the board of public works or of the board of police, may at any time be removed from office for any misdemeanor, malfeasance or delinquency in office by the judge of the circuit court of Cook county, on charges in writing to be presented against him by the mayor or the common council. On the hearing before said judge, witnesses may be produced and sworn both in support of the allegations and against them. Five days' notice shall be given to such member by service of a copy of such charges. The judge may proceed to hear such allegations either in term time or in vacation, and may adjourn such hearing from time to time. No member of either of said boards shall perform any duties as such member, while such allegations are pending against him.

Removal from office.

§ 11. The board of education shall consist of fifteen school inspectors, to be elected by the common council on or before the first Monday of June next. The said board shall be divided into three classes, of five members each; those of the first class shall vacate their seats at the expiration of the first year; those of the second class at the expiration of the second, and those of the third class at the expiration of the third year; and the common council shall annually, on or before the first Monday of June, elect five inspectors to succeed those whose term of office expires.

Board of education.

The inspectors so elected shall hold their offices for three years from the said first Monday of June.

Guardians of re-
form school.

§ 12. The board of guardians of the reform school shall consist of the comptroller and six guardians, to be appointed by the mayor, by and with the advice and consent of the common council. Said board shall be divided into three classes of two members each; those of the first class shall vacate their seats at the expiration of the first year; those of the second class at the expiration of the second, and those of the third class at the expiration of the third year. There shall be appointed annually, on or before the first Monday of June, two guardians to succeed those whose term of office expires. The guardians so appointed shall hold their offices for three years from the said first Monday of June, and until the appointment and and qualification of their successors.

Board of asses-
sors.

§ 13. The board of assessors shall consist of three assessors, who shall be freeholders in said city, one from each of the three divisions of the city, who shall be appointed on the second Monday of May in each year, or as soon thereafter as may be, and continue in office one year. The common council may increase the number of assessors so that said board shall consist of two members from each division of the city, if they think proper.

Election inspec-
tors.

§ 14. The inspectors of election shall be appointed annually by the common council at least ten days before the annual municipal election.

Bridge tenders,
&c.

§ 15. All bridge-tenders, keepers and assistants of work-houses, bridewell or house of correction, and bellmen, shall be appointed annually, by the mayor, and shall be removable at the pleasure of the mayor or common council.

Officers ap-
pointed.

§ 16. All other officers mentioned in this act and not otherwise specially provided for, shall be appointed by the mayor, by and with the advice and consent of the common council, biennially, on or before the second Monday of May, or as soon thereafter as may be, and shall respectively continue in office two years from the said second Monday of May, and until the appointment and qualification of their successors. Officers elected or appointed to fill vacancies, shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors.

Removals from
office.

§ 17. Every person appointed to any office by the common council, or by the mayor with the advice and consent of the common council, and every person elected to any office by the people, for whose removal from office no other provision has been specially provided by this act, may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected. But no officer shall be removed except for cause, nor unless furnished with the charges and heard in his defense, and the common council shall have power to compel the attendance of witnesses

and the production of papers when necessary for the purposes of such trial, and shall proceed within ten days to hear and determine upon the merits of the case, and if such officer neglect to appear and answer to such charges, then the common council may declare the office vacant; and any officer may be suspended until the disposition of charges when preferred.

§ 18. When any vacancy shall happen by death, resignation, removal or otherwise, in the office of mayor, such vacancy shall be filled by a new election, and the common council shall order a new election within ten days after the happening of such vacancy, provided more than six months of the term shall then remain unexpired. Any vacancy occasioned by the death, removal, resignation or refusal to serve of any other city officer elected by the people, or appointed by the mayor with the advice and consent of the common council, may be filled by appointment by the mayor, with the advice and consent of the council, except in cases where a different provision is herein specially made for filling such vacancy. The common council, with the like exception, may fill any vacancy occurring in any office to which by this act they have the power of election or appointment.

Filling of vacancies.

§ 19. All city officers who are required by the provisions of this act, or by any legal ordinance passed by the common council, to give bonds for the faithful performance of their official duty, shall file their bonds with the city clerk within fifteen days after their election or appointment, and he shall record the same, when approved, in a book kept for that purpose. When bonds are not filed with the city clerk within fifteen days after the votes shall have been officially canvassed, or after the appointment shall have been made, the person so in default shall be deemed to have refused said office and the same shall be filled by appointment as in other cases. If in any case any official bond so filed shall not be approved, the officer filing the same shall furnish a new and satisfactory bond within fifteen days after such disapproval, and in case of failure so to do, he shall be deemed to have refused said office, and the same shall be filled as above provided. No alderman or other city officer shall be taken as surety upon any bond, note or other obligation made to the city. No city officer required to give bond as aforesaid shall enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

Filling of bonds.

§ 20. All citizens of the United States qualified to vote at any election held under this act, shall be qualified to hold any office created by this act, except in cases where a different provision has been herein especially made, but no person shall be eligible to any office or place under this or any other act in relation to said city, who is now or may hereaf-

Qualification for office.

ter be a defaulter to said city, or to the State of Illinois, or any county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession. And if any person holding any such office or place shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

Regulations for
elections.

§ 21. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of the poll lists, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law at general State elections: *Provided*, the council shall have power to regulate elections. The voting shall be by ballot, and the inspectors of elections shall take the same oath and shall have the same power and authority as inspectors of general elections. The polls shall be open by the inspectors at eight o'clock in the morning and kept open until seven o'clock in the evening, and every violation of this provision shall subject the inspectors so offending to a penalty of one hundred dollars. After the closing of the polls the ballots shall be counted in the manner required by law, and the returns shall be returned sealed to the city clerk within three days after the election, and thereupon the common council shall meet and canvass the same and declare the result of the election. It shall be the duty of the clerk to notify all persons elected or appointed to office, of their election or appointment, and unless such persons shall respectively qualify within fifteen days thereafter, the offices shall become vacant.

Qualifications of
voters.

§ 22. No person shall be entitled to vote at any election under this act, who is not entitled to vote at State elections, and has not been a resident of said city at least six months next preceding the election; he shall moreover have been an actual resident of the ward or election precinct in which he votes for thirty days previous to the election, and if required by any person qualified to vote thereat, shall take the following oath before he is permitted to vote: *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge:

"I swear, (or affirm), that I am of the age of twenty-one years, that I am a citizen of the United States, (or was a resident of this State at the time of the adoption of the Constitution,) and have been a resident of this State one year, and a resident of this city six months immediately preceding this election, and am now and have been for thirty days last past a resident of this ward (or election precinct) and have not voted at this election."

And if required by any legal voter, such voter shall also swear or affirm to his place of residence, specifying the particular place and house in which he resides, and stating how long he has there resided, and his business or employment, and if he has not resided in such home for thirty days im-

mediately preceding such election, he shall state where, and in what house he has resided for the last thirty days.

No further evidence of the right to vote shall be required in any case, at any municipal or other election.

§ 23. The persons entitled to vote at any election held under this act, shall not be arrested on civil process within said city upon the day on which said election is held, and all persons illegally voting at any election under this act shall be punishable according to the laws of this State.

CHAPTER III.

POWERS AND DUTIES OF OFFICERS.

§ 1. Every person chosen or appointed to an executive, judicial, or administrative office under this act, shall before he enters on the duties of his office, take and subscribe the oath of office prescribed in the constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the city clerk. Official oaths.

§ 2. The mayor shall preside over the meetings of the common council and take care that the laws of the State and the ordinances of the city, are duly enforced, respected and observed, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information, and recommend such measures, as he may deem advantageous to the city. He shall have a salary of thirty-five hundred dollars per annum in full compensation of all official services devolved upon him by this or any subsequent act. He shall be a member *ex officio* of the board of police and of the board of public works, and shall be clothed with all the power and authority and be subject to all the general duties and responsibilities of a commissioner of each of said boards: *Provided, however,* that he shall not act as a commissioner of the board of public works in making any special assessment for any public work or improvement, nor shall he be required to give a bond to the city as a member of either of said boards. The mayor shall likewise have power, *ex officio*, to administer any oath authorized to be taken by the laws of this State. Duties of the mayor.

§ 3. Every act, ordinance or resolution, passed by the common council, before it shall take effect and within five days after its passage, shall be presented, duly certified by the city clerk, to the mayor for his approbation. If he approve, he shall sign it, if not he shall return it with his objections in writing to the city clerk, and the clerk shall submit said objections to the common council at their next regular meeting, who shall enter said objections upon their record and proceed to reconsider the matter, and if, after such Approval of ordinances.

reconsideration, two-thirds of all the members elected shall agree to pass the same, it shall take effect as an act or law of the corporation. If the mayor shall not return any act, ordinance or resolution so presented to him, within five days, it shall take effect in the same manner as if he had signed it.

Mayor, pro tem.

§ 4. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of absence or sickness, the common council shall appoint by ballot one of their number to preside over their meetings, whose official designation shall be acting mayor. And the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office, or the vacancy be filled by a new election.

§ 5. The members of the common council shall be fire wardens and conservators of the peace, and shall be exempted from jury duty during their term of office.

City clerk's duties

§ 6. The clerk shall keep the corporate seal, and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall also have power to administer any oath authorized to be taken by the laws of this State.

Corporation
counsel.

§ 7. The counsel to the corporation shall be the chief officer of the law department of the city. He shall, with the assistance of the city attorney, and subject to the directions of the comptroller, conduct all the law business of the corporation and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the corporation. Said officers shall hold their office in such place as the city may provide, and, when required, shall furnish written opinions upon subjects submitted to them by the mayor or common council or any other department of the municipal government. The city attorney shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, and which shall at all times be open to the inspection of the mayor, comptroller or any committee of the common council. It shall also be the duty of said officers to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments of writing as may be required by the business of the city; to examine and inspect tax and assessment rolls, and all proceedings in reference to the levying and collection of taxes and assessments; and to perform such other duties as may be prescribed by the charter and ordinances of the city.

Assessors' duties.

§ 8. The board of assessors shall perform all the duties in relation to the assessing of property, for the purpose of

levying the taxes imposed by the common council. In the performance of their duties they shall have the same powers as are or may be given by law to county or town assessors, and be subject to the same liabilities.

§ 9. It shall be the duty of the harbor master to enforce all ordinances, and provisions of this act, in relation to the harbor. Harbor master.

§ 10. It shall be the duty of the fish inspector to inspect all pickled or salted fresh-water fish sold or received for sale, or on consignment, in the city of Chicago. Any person or persons bringing or causing to be brought to the city of Chicago, for the purpose of sale, any fresh-water fish, shall have the same duly inspected by the said inspector before such fish shall be sold or in any way disposed of; and it shall be the duty of every person having such fish in his possession, for the purpose of selling or of dealing in the same, and of every consignee having fish on consignment, before the said fish shall be sold or in anywise disposed of, to give notice to the inspector, and have such fish duly inspected and branded; and for this purpose, such person shall arrange the packages in a convenient manner, and have them in some suitable place. It shall be the duty of the inspector, on due application of any person or persons having such fish in possession, to repair to the place of deposit of such fish, if the same shall be within the limits of the city of Chicago, and inspect the same with as little delay as possible. The said inspector shall procure sealed weights, and carefully weigh all fish offered for inspection; and to entitle said inspector to grant a certificate of due inspection, or to brand the packages as duly inspected, he shall first find that the contents and weights of the several packages are as follows, viz: Each barrel shall contain 200 lbs; each half barrel shall contain 100 lbs; each quarter barrel shall contain 50 lbs; and each eighth barrel shall contain 25 lbs. Such inspector shall, also, on branding any packages of fish, plainly and distinctly mark on the head of each package, in some indelible manner, the kind, quantity and quality of fish contained in each package, respectively, together with his name and the year and month in which the same shall have been inspected. The inspector shall be entitled to the following fees for the performance of his duties, viz: For unheading, heading, weighing, re-packing, brining, and inspecting and branding each barrel, 20 cents; each half barrel, 10 cents; each quarter barrel, 5 cents; each extra hoop, 5 cents; each extra head, 20 cents. The inspector shall not put his brand upon any package of fish, as duly inspected, unless the same be well hooped and headed, and in all respects sufficient to retain brine, and also be in good shipping condition. He shall keep a record of the number of packages and sizes, and of the kinds and qualities of fish, and for whom inspected, each year; and

Fish inspector's
duties.

Weighing of fish.

Branding.

Inspector's fees.

Annual report.

shall make a report of the same to the common council, on the first day of January in each year. He shall keep an office at a convenient place, on or near the Chicago river, which shall be kept open during business hours, and in which the inspector shall at all times have some person, during his absence, to receive orders. No person holding the office of fish inspector for said city of Chicago, nor shall his employees or assistants, or either of them, buy or sell, or deal in, or in anywise be interested, in any fish sold or received for sale in the city of Chicago. He shall, before entering on the discharge of the duties of his said office,

Give bond.

give bond, with two good and sufficient sureties, in the penal sum of five thousand dollars, and running to the people of the State of Illinois, and conditioned that he will well and faithfully perform the duties of said office and satisfy all damages that may legally be demanded of him by virtue of the provisions hereof. Any fish inspector violating, refusing or failing to comply with any of the provisions of this section, so far as they are made incumbent upon him, shall, for every offense, be liable to a fine of not less than five dollars nor more than one hundred dollars; which said fine may be collected in the name and for the use of the city of Chicago; and shall also be subject to immediate removal from office.

Penalty for official neglect.

Said inspector shall have the right to appoint and remove at pleasure, one or more assistants, who shall have the same right to brand all packages inspected by either of them in the name of the said inspector; but each assistant shall have some distinctive mark, with which he shall designate each package inspected by himself, so as to indicate by whom the inspection was actually made; and the said inspector shall have the right to take bond, with sufficient penalty and security, running to himself, from each of the assistants appointed by himself, and of the same tenor, as the bond herein required to be executed by said inspector; and the said inspector shall be liable for the acts of his said assistants, and may sue on the bonds of any of them, to recover any damages that he may have suffered, by reason of their misfeasance or malfeasance. The said inspector shall have the right to sue, in any court having jurisdiction of the action, for his fees for services performed, either by himself or his assistants by virtue hereof.

Assistant inspectors.

Collection of fees.

Constable's bonds and security

§ 11. Every person appointed or elected to the office of constable, shall, before he enters upon the duties of his office, with two or more sureties to be approved by the common council, execute in presence of the clerk of the city, an instrument in writing by which such constable and securities, shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may be liable to pay by reason or on account of any summons, execution, distress warrant, or other process which shall be delivered to him for collec-

tion. The clerk shall certify the approval of the common council on such instrument and file the same; and a copy certified by the clerk, under the corporate seal, shall be presumptive evidence, in all courts, of the execution thereof by such constable and his sureties; and all actions thereon shall be prosecuted within two years after the expiration of the year for which the constable named therein shall have been appointed or elected, and may be brought in the name of the person or persons entitled to the money collected by virtue of such instruments. No constable appointed or elected under this act, shall have power to serve any civil process out of the city limits, except in cases of persons fleeing therefrom, and to commit on execution, where the defendant shall have been arrested within the city.

§ 12. The city physician shall attend and administer to all sick persons confined in any police station-house, bride-well, work-house, house of refuge or other city prison, and shall attend to such other duties as may be prescribed by the board of health or common council.

City physician.

§ 13. The common council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require bonds to be given to the city of Chicago by all officers, for the faithful performance of their duties.

Miscellaneous
duties of officers

§ 14. The comptroller, treasurer, collector, and school agent, shall severally, before they enter on the duties of their respective offices, execute a bond to the city of Chicago, in such sum, and with such sureties, as the common council shall approve; conditioned that they shall faithfully execute the duties of their offices, and account for and pay over all moneys and other property received by them; which bonds, with the approval of the common council, certified thereon by the clerk, shall be filed with the clerk.

Bond of comp-
troller and oth-
ers.

§ 15. The common council, at their annual meeting on the first Monday in May, in each year, or within not to exceed thirty days thereafter, shall designate one public newspaper printed in said city, in which shall be published all ordinances, and other proceedings and matters required in any case by this act, or by the by-laws and ordinances of the common council, to be published in the corporation newspaper. And if the proprietors of the newspaper so designated, shall at any time during the year suspend the publication thereof, or decline longer to publish said proceedings, another newspaper shall be designated in its stead. The common council may also, in its discretion, provide for the publication of said ordinances and other proceedings, or such portion of the same as it may think proper, in some newspaper printed in the German language.

City printing.

Delivery of bonds
and papers.

§ 16. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, papers, and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. And such successor shall, and may recover possession of the books, papers and property appertaining to his office, in the manner prescribed by the laws of this State.

§ 17. All persons elected or appointed to any office under this act may be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the common council, and clerk.

Fixing of salaries.

§ 18. The common council may by ordinance, establish salaries, as a fixed compensation for all officers of said city whose salaries are not named herein, and may provide for their removal from office, in case they receive or retain other or greater fees than so paid or fixed by the corporation for their services.

Fees belonging to
city.

§ 19. All fees, perquisites and emoluments of office whatever, by way of compensation for the performance of any official duty or duties, are hereby expressly prohibited to be retained by any officer whose compensation is provided to be paid by a salary, to be fixed by the common council under this act; and all fees, perquisites and emoluments whatever, received or paid, or payable, to any officer, justice of the peace, mayor, clerk, attorney, collector, treasurer, commissioner of public works, comptroller, or other person, whose compensation is to be so paid by a fixed salary, shall belong to, and be paid by such person or persons, into the treasury of said city, the same as all other revenues belonging thereto; and any violation of this provision shall subject the offender to removal from his office, and the amount received by him shall be recoverable by action of debt or assumpsit, in favor of said city.

Payments of sala-
ries.

§ 20. All salaries shall be payable monthly or quarterly out of the appropriate fund, voted by the common council to pay the same, upon the warrant of the comptroller, as in other cases.

Recorder's pay.

§ 21. The common council shall have power to pay to the recorder of the city of Chicago, such compensation from time to time as said council may deem proper, in addition to the salary prescribed by law.

No compensation
to board of guar-
dians and others

§ 22. No member of the board of guardians of the reform school, or of the board of education, shall receive any compensation for any services he may perform, nor shall any teacher, agent or employee of either board, sell, dispose of, or be interested in any articles purchased, or work done, for the school or schools. Nor shall he be interested in any contract, loan, or anything else whereby he may receive any

commission, interest, or other profits from the fund appropriated to the reform school or public schools, under the penalty of having his office immediately declared vacant by the common council.

CHAPTER IV.

THE COMMON COUNCIL: ITS GENERAL POWERS AND DUTIES.

§ 1. The mayor and aldermen shall constitute the common council of said city. The common council shall meet at such times and places as they shall by resolution direct. The mayor, when present, shall preside at all meetings of the common council, and shall have only a casting vote. In his absence any one of the aldermen may be appointed to preside. A majority of the persons elected as aldermen shall constitute a quorum.

Meetings of the council.

Quorum.

§ 2. No member of the common council shall, during the period for which he was elected receive any compensation for his services, or be appointed to, or be competent to hold, any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the common council.

Compensation.

§ 3. The common council shall hold stated meetings, and the mayor or any two aldermen may call special meetings by notice to each of the members of said council, served personally, or left at his usual place of abode. Petitions and remonstrances may be presented to the common council, and the council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members.

Stated and special meetings.

§ 4. All ordinances, petitions and communications to the common council shall, unless by unanimous consent, be referred to appropriate committees, and only acted on by the council at a subsequent meeting on the report of the committee having the same in charge. Any report of a committee of the council may be deferred to the next regular meeting of the same, and the publication of said report in the corporation newspaper required, by request of any two aldermen present.

Order of business

§ 5. No vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

§ 6. The common council shall have power to require from any officer of said city, at any time, a report in detail of the transactions in his office, or of any other matter by said council deemed necessary.

Official reports.

Appropriations.

§ 7. Upon the passage of all orders, ordinances or resolutions appropriating money, imposing taxes, or authorizing the borrowing of money, the yeas and nays shall be entered on the record of the common council, and a majority of the votes of all the aldermen entitled to seats in the board shall be necessary to their passage.

General powers of the council.

§ 8. The common council shall have, subject to the provisions hereinafter contained, the general management and control of the finances, and all the property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance :

Wharves.

First. To lease the wharfing privileges of the river, at the ends of streets, upon such terms and conditions as may be usual in the leasing of other real estate, reserving such rents as may be agreed upon, and employing such remedies in case of non-performance of any covenants in such lease, as are given by law in other cases. But no buildings shall be erected thereon; nor shall a lease for a longer period than three years at any time be executed; and the owner or owners of the adjoining lot or lots shall, in all cases, have the preference in leasing such property; and a free passage over the same for all persons with their baggage shall be reserved in such lease: *Provided*, nothing in this section shall be so construed as to impair or prejudice, any rights which any person may have acquired by the acceptance of any proposition heretofore made by said city respecting the wharfing privileges.

Obstructions to navigation.

Second. To remove and prevent all obstructions in the waters which are public highways in said city, and to widen, straighten, and deepen the same.

Third. To prevent and punish forestalling and regrating and to prevent and restrain every kind of fraudulent device and practice.

Gaming.

Fourth. To restrain and prohibit, all descriptions of gaming and fraudulent devices, and all playing of dice, cards and other games of chance, with or without betting.

Liquor selling.

Fifth. To regulate the selling, or giving away of any ardent spirits by any shop keeper, trader or grocer, to be drunk in any shop, store or grocery, outhouse, yard, garden, or other place within the city.

Sixth. To forbid the selling or giving away, of ardent spirits or other intoxicating liquors, to any child, apprentice or servant without the consent of his or her parent, guardian, master or mistress.

Seventh. To license, regulate and restrain, tavern keepers, grocers and keepers of ordinaries or victualing or other houses or places, for the selling or giving away, wines and other liquors, whether ardent, vinous or fermented.

Billiard tables, &c.

Eighth. To license, tax, regulate, suppress and prohibit, billiard tables, pin alleys, nine or ten pin alleys, and ball alleys.

Ninth. To license, regulate and suppress, hackmen, draymen, carters, porters, omnibus drivers, cabmen, carmen, and all others, whether in the permanent employment of any individual, firm, or corporation, or otherwise, who may pursue like occupations with or without vehicles, and prescribe their compensation. Hackmen.

Tenth. To tax, license and regulate, auctioneers, distillers, brewers, and pawn-brokers, and all keepers or proprietors of junk shops and places for the sale or purchase of second-hand goods, wares, or merchandise. Auctioneers.

Eleventh. To license, tax, regulate and suppress, hawkers and pedlars.

Twelfth. To regulate, license, suppress and prohibit, all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements. Shows.

Thirteenth. To authorize the mayor, or other proper officer of the city, to grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees to be paid therefor: *Provided*, that no license shall be granted for more than one year: and that not more than five hundred dollars, shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed one dollar, but no license for the sale of wines or other liquors, ardent, vinous or fermented, at wholesale or retail, or by innkeepers or others, as aforesaid, shall be less than fifty dollars. Bond may be taken on the granting of license for the due observance of the ordinances or regulations of the common council. Licenses.

Fourteenth. To prevent any riot, or noise, disturbance or disorderly assemblage.

Fifteenth. To suppress and restrain disorderly houses and groceries, and houses of ill fame, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming. Disorderly houses

Sixteenth. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city. Nuisances.

Seventeenth. To direct the location and management of, and regulate and license breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate, and prohibit, within the city, and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered; and all establish- Breweries, &c.

ments or places where any nauseous, offensive or unwholesome business may be carried on: *Provided*, that for the purposes of this section the Chicago river and its branches, to their respective sources and the land adjacent thereto, or within one hundred rods thereof, shall be deemed to be within the jurisdiction of the city.

Markets. *Eighteenth.* To establish and regulate markets and other public buildings, and provide for their erection and determine their location.

Butchers. *Nineteenth.* To regulate, and license or prohibit butchers, and to revoke their licenses, for malconduct in the course of trade, and to regulate, license, and restrain the sale of fresh meats and vegetables in the city, and restrain and punish the forestalling of poultry, fruit and eggs.

Powder houses. *Twentieth.* To direct and prohibit the location and management of houses for the storing of gun powder, or other combustible and dangerous materials within the city.

Twenty-first. To regulate the keeping and conveying of gun powder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses.

Fast driving. *Twenty-second.* To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding, or driving, as aforesaid, to be stopped by any person; and to punish or prohibit the abuse of animals; to compel persons to fasten their horses, oxen, or other animals, attached to vehicles, or otherwise, while standing or remaining in the street.

Obstructing streets. *Twenty-third.* To prevent the encumbering of the streets, side walks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, fire wood, posts, awnings, signs, or any substance or material whatever.

Indecent exposures, &c. *Twenty-fourth.* To regulate and determine the times and places of bathing and swimming in the canals, rivers, harbor or other waters, in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Twenty-fifth. To restrain and punish vagrants, mendicants, street beggars, and prostitutes.

Stock at large. *Twenty-sixth.* To restrain, and regulate, or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, and geese, and to authorize the distraining, impounding, and sale of the same for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of any such animals, for a violation of any ordinances in relation thereto.

Dogs. *Twenty-seventh.* To prevent and regulate the running at large of dogs, to tax, and to authorize the destruction of the same when at large contrary to the ordinance.

Twenty-eighth. To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement, or practice, having a tendency to annoy persons passing in the streets, or on the side walks, or to frighten teams and horses.

Twenty-ninth. To make regulations to prevent the introduction or spread of contagious diseases into the city; to make quarantine laws, and enforce the same within the city, and not to exceed fifteen miles beyond the city bounds.

Quarantine regulations.

Thirtieth. To control and regulate the streets, and alleys, and to remove, and abate, any obstructions and encroachments therein.

Thirty-first. To compel all persons to keep the snow, ice, and dirt from the side walk, in front of the premises, owned or occupied by them.

Thirty-second. To prevent the ringing of bells, blowing of horns, and bugles, crying of goods, and all other noises, performances, and devices, tending to the collection of persons, on the streets, or side walks, by auctioneers, or others, for the purposes of business, or otherwise.

Ringling of bells, etc.

Thirty-third. To abate and remove nuisances, and punish the authors thereof, by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and remove nuisances, in the streets, or any other parts of said city, or within its jurisdiction, by indictment or otherwise.

Nuisances.

Thirty-fourth. To license, regulate and restrain runners for boats and stages, cars and public houses.

Thirty-fifth. To regulate the burial of the dead, and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

Registration.

Thirty-sixth. To regulate and prohibit the keeping of any lumber yard, and the placing, piling or selling lumber, timber, wood or other combustible material within the fire limits of said city.

Lumber yards.

Thirty-seventh. To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and heading, and all building materials, and appoint one or more inspectors.

Thirty-eighth. To regulate the place and manner, of selling pickled and other fish.

Fish.

Thirty-ninth. To regulate the weighing, and place and manner, of selling hay; and the cutting and sale of ice, and to restrain the sale of such ice as is impure.

Hay.

Fortieth. To regulate the measuring of wood and the weighing and selling of coal, and the place and manner of selling the same.

Wood.

Inspector of flour
and beef.

Forty-first. To regulate the inspection of flour, meal, pork, beef, and other provisions, and salt to be sold in barrels, hogsheads and other packages.

Inspector of li-
quors.

Forty-second. To regulate the inspection of whisky and other liquors, to be sold in barrels, hogsheads, and other vessels.

Inspectors.

Forty-third. To appoint inspectors, weighers, gaugers, and regulate their duties and prescribe their fees.

Sale of bread.

Forty-fourth. To regulate the sale of bread within said city, and prescribe the weight of bread in the loaf and the quality of the same.

Hydrants.

Forty-fifth. To regulate public pumps, wells and cisterns, hydrants and reservoirs, and to prevent the unnecessary waste of water.

Forty-sixth. To establish and regulate public pounds.

Forty-seventh. To erect lamps, and regulate the lighting thereof.

Forty-eighth. To regulate and license ferries.

Running of cars.

Forty-ninth. To regulate and prohibit the use of locomotive engines within the city, and require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracks, and to require railroad companies to construct, at their own expense, such bridges, tunnels, or other conveniences, at public railroad crossings as the common council may deem necessary; also to regulate the running of horse-rail-way cars, the laying down of tracks for the same, the transportation of passengers thereon, and the kind of rail to be used.

City bridewell.

Fiftieth. To erect and establish, either within or without the corporate limits of the city, a bridewell or house of correction, and purchase grounds therefor, pass all necessary ordinances for the regulation thereof, and appoint a keeper and as many assistants as may be necessary. In the said bridewell or house of correction, shall be confined all vagrants, stragglers, idle or disorderly persons who may be committed thereto, by any criminal court, or magistrate, in and for the city, and all persons sentenced to said bridewell or house of correction by any criminal court, or magistrate, in and for the city, for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in any county jail; and all persons confined therein may be kept at labor or in solitary confinement.

City sealer.

Fifty-first. To require every merchant, retailer, trader, and dealer in merchandise or property of any description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection; the standard of which weights and measures shall be conformable to those now established by law.

Draw bridges.

Fifty-second. Exclusively to erect and construct, or permit or cause, or procure to be erected and constructed, float,

pivot, or draw bridges, over the navigable waters within the jurisdiction of said city, and keep the same in repair: said bridges to have draws of suitable width.

Fifty-third. To preserve the harbor; to prevent any use of the same, or any act in relation thereto, inconsistent with, or detrimental to, the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein any earth, ashes, or other substance, filth, logs, or floating matter; to prevent and remove all obstructions therein, and punish the authors thereof; to regulate and prescribe the mode and speed of entering and leaving the harbor, of passing the bridges, and of coming to, and departing from, the wharves and streets of the city, by steamboats, canal boats, and other crafts and vessels, and the disposition of the sails, yards, anchors, and appurtenances thereof, while entering, leaving, or abiding in the harbor, and to regulate and prescribe by such ordinances, or through their harbor master or other authorized officer, such a location of every canal boat, steamboat, or other craft, or vessel, or float, and such changes of station in, and use of, the harbor, as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such boats, vessels, crafts, and floats; and to impose penalties not exceeding one hundred dollars for any offense against any such ordinance; and by such ordinance charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat, canal boat, or other vessel, craft, or float. The harbor of the city shall include the piers and so much of lake Michigan as lies within the distance of one mile into the lake, and the Chicago river and its branches to their respective sources.

Harbor regulations.

Boundaries of harbor.

Fifty-fourth. To control, regulate, repair, amend and clear the streets and alleys, bridges, side and cross walks, and open, widen, straighten, and vacate streets and alleys, and establish and alter the grade thereof, and prevent the encumbering of the streets in any manner, and protect the same from any encroachments and injury.

Repair of streets.

Fifty-fifth. To direct and regulate the planting and preserving ornamental trees in the streets and public grounds.

Shade trees.

Fifty-sixth. To fill up, drain, cleanse, alter, relay, repair, and regulate any grounds, yards, barns, slips, cellars, private sinks, and privies, direct and regulate their construction, and cause the expenses to be collected in the manner hereinafter provided.

Drainage.

Fifty-seventh. To erect and establish, one or more pest houses, hospitals or dispensaries, and control and regulate the same.

Hospitals, etc.

Fifty-eighth. To abate all nuisances which are, or may be, injurious to the public health, in any manner they may deem expedient.

Nuisances.

- Promotion of health. *Fifty-ninth.* To do all acts and make all regulations which may be necessary, or expedient, for the preservation of health and the suppression of disease.
- Dead carcasses. *Sixtieth.* To prevent any person from bringing, depositing, or having within the limits of said city, any dead carcass, or any other unwholesome substance, and to require the removal or destruction, by any person who shall have, place, or cause to be placed, upon, or near his premises, any such substance, or any putrid or unsound beef, pork, or fish, hides, or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of said city.
- Vagrant children. *Sixty-first.* To authorize the taking up, and provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and growing up in mendicancy, ignorance, idleness and vice.
- House of refuge. *Sixty-second.* To lease or purchase, improve and maintain suitable grounds, either within or without the corporate limits of said city, for a house of refuge and correction, to erect buildings thereon, and adopt such rules and regulations for the government thereof and the punishment of juvenile offenders therein, as may from time to time be deemed expedient.
- Punishment of vagrants. *Sixty-third.* To authorize the arrest, fine and imprisonment in the city bridewell or house of correction, as vagrants, of all persons, who not having visible means to maintain themselves, are without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill fame or houses of bad repute, gambling houses, railroad depots or fire engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the street or other thoroughfares or public places to beg or receive alms; also, keepers, exhibitors or visitors at any gaming table, gambling house, house for fortune telling, places for cock fighting, or other places of device; and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretences, or who shall disturb any place where public or private schools are held either on week day or Sabbath, or places where religious worship is held.
- Enactment and enforcement of ordinances. *Sixty-fourth.* To make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this State, for the good government and order of the city and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the common council, or any officer of said city, by this act; and enforce observance of all rules, ordinances, by-laws, and police and other regulations, made in pursuance of this act, by penalties not exceeding one

hundred dollars for any offense against the same. The common council may also enforce such rules, ordinances, by-laws, and police and other regulations, as aforesaid, by punishment of fine, or imprisonment in the county jail, bridge-well, or house of correction, or both, in the discretion of the magistrate or court, before which conviction may be had: *Provided*, such fine shall not exceed five hundred dollars, nor the imprisonment six months.

§ 9. The common council is hereby authorized to purchase for said city such tracts of land without the city limits, for the purpose of establishing cemeteries for the interment of the dead therein as they may think necessary, which shall be exempt from taxation under any law of this State; and they are also authorized and empowered to pass and enforce such ordinances, rules and regulations with regard to the improvement, preservation, laying out, and ornamenting the same, and the sale of burial places or lots for the interment of the dead therein, as they may deem proper. The ground or grounds so laid out shall be placed under the superintendence of the board of public works of said city, and the lots which may be laid out and sold shall, with the appurtenances, forever be exempt from execution and attachment. As soon as said grounds are regulated and laid out, a map or plat thereof shall be made out by the board of public works and a copy thereof filed in the comptroller's office, who shall have charge of the sale and disposition of all lots therein, under the ordinances and regulations of the common council. The proceeds of such sales shall be paid into the city treasury, and be credited and charged on the books of the treasury department, to a "cemetery fund," to be kept distinct from all other funds of said city. The said common council is also fully empowered and authorized to provide for the punishment, by ordinance, of all persons who shall, without said city limits, be guilty of any violation of the regulations, rules and ordinances, established by said city in relation to such cemeteries; and such violations may be punished by fine and imprisonment, as in other cases, by any court of competent jurisdiction within said city; and all process issued for the arrest of any person or persons guilty of such violation, may be executed without said city limits, by any officer or constable thereof, the same as if such offense had been committed within the boundaries of the corporation.

City cemeteries.

Sale of lots.

Cemetery fund.

CHAPTER V.

THE TREASURY DEPARTMENT.

§ 1. There is hereby established an executive department of the municipal government of said city, to be known as the "treasury department," which shall embrace the city

Officers of the treasury department.

comptroller, the city treasurer and the city collector, and all such clerks and assistants, including an auditor, as the common council may by ordinance, see fit to prescribe and establish.

§ 2. The said treasury department shall have control of all the fiscal concerns of the said corporation, except as herein otherwise provided, and shall prescribe the forms of keeping and rendering all city accounts whatever; and all accounts rendered to or kept in the several departments of the city government shall be subject to the revision and inspection of the officers of this department.

City comptroller.

§ 3. There shall be appointed by the mayor, with the advice and consent of the common council, some discreet and able accountant to be styled the city comptroller, who shall be chief of said treasury department, and hold his office until removed or a successor be appointed, who shall receive such compensation for his services as may be established by law, and who shall be removable at all times at the pleasure of the mayor with the concurrence of the common council, and he shall give bonds with securities to the amount of not less than one hundred thousand dollars, and the amount of his bond may be increased to such sum as may be fixed by the common council; said bond to be approved by the common council, and filed in the city clerk's office and entered on record. He shall also be sworn the same as other officers to the faithful discharge of the duties of his office.

Duties of comptroller.

§ 4. The comptroller shall open and keep in a neat, methodical manner, a complete set of books, under the direction of the mayor and finance committee of the common council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue so far as he can ascertain the same. Said books and all papers, vouchers, contracts, bonds, receipts and other things kept in said office shall be subject to the examination of the mayor, the members of the common council, or any committee or committees thereof.

Supervision of other officers.

§ 5. The comptroller shall be charged with, and shall exercise a general supervision over, all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and the collection and return of such revenues into the city treasury. He shall be the fiscal agent of said city, and as such shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts, choses in action, belonging to said city, except such as are confided by this act to the custody of the board of public works or city clerk, and shall possess and carefully preserve all assessment and tax warrants, except warrants for the collection of water rents or assessments, and the returns thereof made by any collector or receiver of taxes and

assessments, and all leases of markets, wharfing privileges and other public property of said city. He shall also have supervision over the city debts, contracts, bonds, obligations, loans and liabilities of the city, the payment of interest, and over all the property of the city, and the sale or the disposition thereof; over all legal or other proceedings in which the interests of the city are involved, and with the approval of the mayor to institute or discontinue such proceedings, and to employ additional counsel in special cases where he thinks the city interests require it, and generally in subordination to the mayor and common council, to exercise supervision over all such interests of said city as in any manner may concern or relate to the city finances, revenues and property.

§ 6. The comptroller shall have power to examine all accounts, claims and demands for or against the city; and no money shall be drawn from the treasury, or paid by the city to any person, except as herein otherwise provided, unless the balance due or payable be first settled and adjusted by the said comptroller; and for the purpose of ascertaining the true state of any balance or balances so due, he shall have and he is hereby clothed with full power and authority to administer an oath or oaths to the claimant or claimants, or any other person or persons whom he may think proper to examine as to any fact, matter or thing concerning the correctness of any account, claim or demand presented, and the person so sworn shall, if he swear falsely, be deemed guilty of willful and corrupt perjury, and be subject to punishment accordingly, the same as in all other cases.

Administering of oaths.

§ 7. All money found to be due and payable by the comptroller to any person, shall be drawn for by said comptroller by warrant on the treasurer, which shall be countersigned by the mayor, stating therein the particular fund or appropriation to which the same is chargeable and the person to whom payable; but if said comptroller should, upon any examination of any account as aforesaid, still doubt as to its correctness, he shall submit the same to the mayor and finance committee for their decision thereon, which decision shall be binding upon the city and filed among his other vouchers in the comptroller's office; and no money shall be drawn from the treasury, except on the warrant of the comptroller, drawn as aforesaid.

Comptroller's warrants.

§ 8. It shall be the duty of said comptroller as nearly as may be, to charge all officers in the receipt of revenues or moneys of the city, with the whole amount from time to time of such receipts; and he shall countersign all tax and assessment warrants for the collection of revenue, issued under any ordinance or law of the city by virtue of which money is receivable or to be received or paid into the city treasury, except warrants for the collection of water rents or assessments, charging the proper officer the amount col-

Collector's warrants.

lectable thereon. He shall also require of all officers in receipt of city moneys that they shall submit reports thereof, with vouchers and receipts of payment therefor, into the city treasury weekly or monthly, or as often as he shall see fit to require the same by any regulation which he may adopt; and if any such officer shall neglect to make an adjustment of his accounts when so required as aforesaid, and to pay over such moneys so received, it shall then be the duty of the said comptroller to issue a notice in writing, directed to such officer and his securities, requiring him or them within ten days to make settlement of his said accounts with the comptroller, and to pay over the balance of moneys found to be due and in his hands, belonging to said city, according to the books of said comptroller; and in case of the refusal or neglect of such officer to adjust his said accounts, or pay over said balance to the treasury as required, it shall then be the duty of the said comptroller to make report of the delinquency of such officer to the mayor, who shall at once suspend him from office; and the mayor shall thereupon proceed forthwith to institute the necessary proceedings for the removal of such officer; and he is hereby authorized, in case of such suspension, to appoint, with the concurrence of the common council, some other person to exercise the functions of said office while such proceedings are pending.

Annual report.

§ 9. The comptroller shall make out an annual statement for publication, in the month of April in each year, before the annual election, giving a full and detailed statement of all the receipts and expenditures during the year ending the first day of said month. The said statement shall also detail the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfulfilled, and the balances of money then remaining in the treasury, with all sums due and outstanding; the names of all persons who may have become defaulters to the city, and the amount in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city; which statement, when examined and approved by the finance committee, shall be published by him in the corporation newspaper.

Annual estimate
of expenses.

§ 10. The said comptroller shall, also, on or before the fifteenth day of May in each year, before the annual appropriations are made by the common council, submit to the same a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the current fiscal year, commencing on the first day of April; he shall, in said report, class the different objects and branches of said city expenditure, giving, as nearly as may be, the amount required for each; and for this purpose he is authorized to require of all city officers and heads of departments, their statements of the condition and expense of

their respective departments and offices, with any proposed improvement and the probable expense thereof, of contracts already made and unfinished, and the amount of any unexpended appropriations of the preceding year. He shall also, in such report, show the aggregate income of the preceding fiscal year from all sources; the amount of liabilities outstanding upon which interest is to be paid, and of bonds and city debts payable during year, when due, and where payable, so that the common council may fully understand the money exigencies and demands of the city for the current year.

§ 11. In addition to the other duties of the comptroller of said city, it is hereby made his duty on or before the tenth day of each and every month, to make out a monthly statement, giving a full and detailed statement of all moneys received and from what sources, and on what account received, and of all moneys ordered to be paid, or drawn for by warrant by him, and on what account the same have been paid, for the month preceding that in which such statement is made, and the said comptroller shall cause the said monthly statement to be published in the corporation newspaper of said city, before the fifteenth day of each month, and shall deliver a true copy of such statement to the said common council at their next meeting.

Monthly state-
ment.

DUTIES OF THE TREASURER.

§ 12. The city treasurer shall receive all moneys belonging to the city, and shall keep his office in some place to be designated by the common council, appropriated to the keeping of such office, in the treasury department. He shall keep his books and accounts in such manner as the city comptroller or common council may prescribe, and such books and accounts shall be always subject to the inspection of said comptroller and the finance committee.

§ 13. All warrants drawn upon the treasurer must be signed by the comptroller and countersigned by the mayor, stating therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid than upon such warrants so drawn.

Paying of war-
rants.

§ 14. He shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto.

§ 15. He shall give every person paying money into the city treasury a duplicate receipt therefor, specifying the date of payment, upon what account paid; and he shall also file copies of such receipts with the city comptroller at the date of his monthly reports.

Duplicate receipt

§ 16. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the comptroller, under oath, showing the state of the treasury at the date of such account, and the balance of moneys in the

Monthly state-
ment.

treasury. He shall also accompany such account with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him, which said warrants, with any and all other vouchers held by him, shall be delivered over to the comptroller, and filed with his said account in the comptroller's office upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid;" and shall give a list of said warrants, stating the number and amount of each.

Custody of mon-
eys.

§ 17. The treasurer may be required to keep all moneys in his hands belonging to the city, in such place or places of deposit as the common council may by ordinance provide, order, establish or direct. Such moneys shall be kept distinct and separate from his own moneys; and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the mayor, with the concurrence of the common council, who are hereby authorized to declare said office vacant; and the mayor, in case of said removal, shall nominate a successor, who shall be appointed to said office upon the confirmation of the said common council, and hold his office for the remainder of the unexpired term of such officer so removed.

Monthly report
of receipts and
expenditures.

§ 18. The treasurer shall also report to the common council annually, in the month of April, before the election, and oftener if required, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury. He shall also keep a register of all warrants redeemed and paid during the year, describing such warrants, their date, amount, number, the fund from which paid, and persons to whom paid, specifying also the time of payment; and all such warrants shall be examined at the time of the making such annual report to the common council by the finance committee, who shall examine and compare the same with the books of the comptroller, and report discrepancies, if any, to the common council.

§ 19. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made; and said money shall be used for no other purpose whatever.

Treasurer's bond

§ 20. The treasurer shall give bond with sureties to the amount of not less than two hundred thousand dollars, and the amount of his bond may be increased to such sum as may be fixed by the common council, said bond to be approved by the common council, and filed in the clerk's office, and entered on record. He shall also be sworn the same as

other officers to the faithful discharge of the duties of his office.

CITY COLLECTOR.

§ 21. It shall be the duty of the city collector to collect Collector's duties all taxes and assessments which may be levied by said city, and perform such other duties as may be herein prescribed, or ordained by the common council. He shall keep his office in such place as may be designated and provided by the common council, appropriated to the keeping of such office in the treasury department, and shall keep in said office, besides his collection and revenue warrants, such other books, vouchers, records and accounts, as the comptroller may, by regulation of the department, direct and prescribe, which books and records, with all other papers, shall remain in and pertain to said office, and be handed over to the successor or successors of said officer, or be deposited in the office of the comptroller.

§ 22. All the city collector's papers, books, warrants and vouchers, shall be examined by, and the same are hereby placed under the supervision of, the comptroller, together with the finance committee; and the said collector shall, daily, on receipt of the same, pay over all moneys collected by him of any person or persons to the city treasurer, taking his receipt therefor, which said collector shall immediately file in the comptroller's office.

§ 23. The city collector shall make report, in writing Weekly report. under oath to the comptroller weekly, or oftener, if required, of the amount of all moneys collected by him; the account upon which collected, and shall file with him the vouchers or receipts of the treasurer for the amount so collected. He shall also in the month of April in each year, before the annual election, submit to the common council and finance committee, a statement of all moneys by him collected during the year, and the particular warrant, assessment or account upon which collected, and the balance of moneys uncollected on the warrants in his hands or returned to the comptroller, and a copy of such statement shall also be filed with the comptroller.

§ 24. The city collector is hereby expressly prohibited Keeping of moneys. from keeping the moneys of the city in his hands, or in the hands of any person or corporation to his use, beyond the time prescribed for the payment of the same to the city treasurer; and any violation of this provision shall subject him to immediate removal from office by the mayor, with the concurrence of the common council; and it is hereby declared to be the duty of the mayor, upon such removal being made, to nominate and appoint a successor, with the advice and consent of the common council.

§ 25. The collector shall give bond with sureties, to the Collector's bond. amount of not less than one hundred thousand dollars, and

the amount of his bond may be increased to such sum as may be fixed by the common council, said bond to be approved by the common council and filed in the clerk's office and entered on record. He shall also be sworn the same as other officers to the faithful discharge of the duties of his office.

Tax receipts.

§ 26. If the collector shall receive any money for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterwards sell the same at any sale for taxes or assessments, for the tax or assessment which has been so paid and receipted for by himself or his assistant, he and his bond shall be liable to the holder of the certificate given to the purchaser at the sale, for double the amount of the face of the certificate, to be demanded within three years from date of sale, and recovered in any court having jurisdiction of the amount; and the city shall in no case be liable to the holder of such certificate.

GENERAL PROVISIONS.

Finance committee to meet with comptroller.

§ 27. The finance committee and the comptroller shall annually meet in the month of April, and compare all such reports and statements as are made by the comptroller, treasurer and collector, and report thereon to the common council.

§ 28. In the adjustment of the accounts of the treasurer and collector, with the comptroller, there shall be an appeal to the finance committee, whose decision in all matters of controversy arising between said officers in the treasury department shall be binding, unless the common council shall otherwise direct and provide.

Clerks and assistants in offices.

§ 29. The comptroller, city treasurer and city collector, shall severally appoint such various assistants, clerks and subordinates, in their respective offices, as the common council may authorize; and shall be held severally responsible for the fidelity of the persons so appointed by them. Said subordinates shall in all cases be sworn to the faithful discharge of their duties, as other officers.

§ 30. The said comptroller, collector and treasurer, shall perform such other duties, and be subject to such other rules and regulations, as the common council may from time to time by ordinance provide and establish.

Money to be kept and not used or loaned.

§ 31. The treasurer and city collector, and all receivers of city money, are hereby required to keep safely, without loaning or using, all the city or public moneys collected by them, or otherwise at any time placed in their custody or disposal, till the same are paid over or directed by the proper officer, warrant, law, or order of the corporation, to be transferred or paid out, and to make all payments and transfers promptly when thereto required by any law or order of said corporation, or under any regulation of the comptroller. And if any one of said officers, or of those con-

nected with them, in the collection, safe keeping, or disbursing of said city revenues, shall convert to his or their own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of said city moneys entrusted to him or them for safe keeping, disbursement, payment, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used or loaned, which is hereby declared a felony, and any officer or agent of said city, and all persons advising or participating in such act, or being a party thereto, shall, upon conviction before any court of competent jurisdiction in this State, be sentenced to imprisonment for a term of not less than six months nor more than ten years, in the penitentiary of this State; and also be fined in a sum equal to the amount of the money embezzled.

§ 32. All returns and accounts made or required to be rendered under this act, by any of the officers in said treasury department, shall be verified by the oath of the person rendering it; in which said oath it shall be declared that said statement so far as he knows or has reason to believe, is a fair, accurate and full statement of the matters to which it relates, and of all moneys in his hands, or which he or any one for him has received since his last official account was rendered; and that he has not directly or indirectly used, loaned, invested or converted to his own use, or suffered any one to use, loan, invest, or convert to their or his use, any of the public moneys receivable or received by him, or subject to his warrant or control; but that he has acted diligently and without any collusion or fraud in the collection and disbursement of the public moneys of said city, and that he hath rendered a true and full account thereof in his said statement; which oath shall be attached to and filed with said accounts in the proper office of the comptroller or city clerk, as the case may be; and in case the said statements, or any of them, shall be false, the said person so making such statement shall be deemed guilty of willful and corrupt perjury, and shall be punished accordingly.

Accounts verified
by oath.

§ 33. All appropriations shall be based upon specific and detailed statements, made by some proper head of a department or officer of the city, and shall be made within the first quarter of the fiscal year; which fiscal year shall be held to commence on the first day of April in every year.

Manner of making appropriations.

§ 34. Neither the common council, nor any department or officer of the city shall add to the city expenditures, in any one year, anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure

Expenditures for improvement.

for an improvement to be paid for out of the general fund of said city shall exceed in any one year the amount provided for such improvement in the annual appropriation bill: *Provided, however*, that nothing herein contained shall prevent the common council from ordering any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The common council may order the mayor and comptroller to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvement, the necessity for which has arisen as is last above mentioned, for a space of time not exceeding the close of the next municipal year; which sum and the interest shall be added to the amount authorized to be raised in the next general tax levy and embraced therein. Should any judgment be obtained against the city, the comptroller, under the sanction of the mayor and committee of finance, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next municipal year; which sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.

Borrowing of money.

Issue of bonds.

§ 35. The city comptroller is hereby authorized, under the sanction of the mayor and committee of finance, to issue and negotiate the bonds of said city, payable, principal and interest, in the city of New York, and bearing interest payable semi-annually at a rate not exceeding seven per cent. per annum, and becoming due and payable on the first day of April, 1881, to an amount sufficient to satisfy and retire all the floating debt now outstanding against said city and which has not been heretofore provided for. Said bonds shall be in the ordinary form of bonds of said city, and shall be issued in denominations of five hundred or a thousand dollars each, as the said mayor and comptroller may deem proper; and it is hereby made the duty of the common council, at the time of levying the general tax in each year, to provide for the payment of the interest accruing on the whole funded debt of the city, which is not otherwise provided for, in addition to the amount which they are authorized to levy for other purposes.

§ 36. In addition to the amount of bonds herein authorized to be issued, the common council may, in its discretion, provide by ordinance, for completing the issue of the bonds of said city to an amount not exceeding one hundred thousand dollars authorized by the sixty-sixth section of the act amendatory of the city charter approved February 18th, 1861: *Provided*, that the whole amount of the bonds heretofore issued pursuant to said authority and of the bonds hereafter issued by virtue of this section, shall not exceed the said sum of one hundred thousand dollars. The proceeds of said bonds, when sold, may be used in paying the general expenses of said city, and in payment of the ex-

Proceeds of sale of bonds.

pense, either in whole or in part of such permanent improvements, chargeable to the general fund, as may be ordered by the common council before the making of the next annual appropriation.

§ 37. The common council may also, in its discretion, provide by ordinance for issuing and negotiating the bonds of said city, payable principal and interest in New York, in twenty years from date, and bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, to an amount not exceeding one hundred thousand dollars, for the purpose of purchasing grounds, either within or without the corporate limits of said city, and erecting the necessary buildings thereon, for a city bridewell or house of correction. Such bonds shall be in the ordinary form of bonds of said city and shall be issued in denominations of five hundred or one thousand dollars each, as the mayor and comptroller may deem for the best interest of said city.

Issue of bonds to
build bridewell.

§ 38. Whenever any of the bonds of the city, which may have been heretofore or may hereafter be lawfully issued, shall become due, the common council may authorize the mayor and comptroller to issue new bonds to an amount sufficient to retire and satisfy the same, running either ten or twenty years, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and payable, principal and interest in the city of New York.

Retiring of bonds

§ 39. The comptroller shall keep in his office, in a book or books kept separately for this purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, and when and to whom the same were issued; and when any of said bonds are purchased or paid and canceled, said book or books shall show the same. In his annual report the comptroller shall describe particularly the bonds sold during the year and the terms of the sale, with each and every item of the expense thereof. He shall also describe the bonds paid or purchased in order to be canceled, the person of whom purchased, and the amount paid, with each and every item of the expense thereof.

Comptroller to
keep stock book.

§ 40. In case there shall not be money enough in the treasury, applicable thereto, to pay any semi-annual installment of interest on the funded debt of the city, the comptroller shall present a statement, under oath, to the finance committee of the amount of the deficiency, which shall be afterwards filed with the city clerk; and it shall then be lawful for the mayor and comptroller, under the sanction of said committee, to issue and negotiate drafts upon the treasurer payable out of the first moneys that may come into the treasury applicable to the payment of said interest to an amount sufficient to supply said deficiency. Said drafts shall not have more than ninety days to run; but they may be renewed, if necessary, ninety days successively, until there shall be revenue enough received into the treasury to pay the same.

Payment of inter-
est.

Use of separate
funds.

§ 41. In case of a deficiency in any fund to meet any demand upon it, the comptroller may, with the sanction of the mayor and finance committee, use to meet such demand, any moneys standing to the credit of any other fund, either general or special, except the water fund, the school tax fund, and special assessment funds: *Provided*, the consent of the officer or department more particularly charged with the disbursement of the fund so used, shall be first had and obtained thereto. A correct account of all moneys so transferred shall be kept by the comptroller, and said moneys shall be replaced by him, within not exceeding three months, out of the revenue subsequently received into the treasury to the credit of the fund thus supplied. No moneys shall be so used or transferred, unless adequate provision has been made which will permit their reimbursement within said period.

§ 42. No bonds or other evidences of debt shall be issued by the city, except as is in this act provided.

Contracts.

§ 43. No contracts shall be hereafter made by the common council or any committee or member thereof, and no expense shall be incurred by any of the officers or departments of said city government, whether the object of expenditure shall have been ordered by the common council or not, unless an appropriation shall have been previously made concerning such expense. And no member of the common council, head of a department, clerk, city officer, assistant or employee in any department of said city, shall be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense price or consideration of which is paid from the city treasury, under the penalty of his immediate removal from office.

City auditor.

§ 44. The common council may, hereafter, in their discretion, provide for the appointment of a city auditor, to hold his office for two years and until the appointment and qualification of his successor, whose duty it shall be to examine personally and certify to the correctness or incorrectness of all the accounts rendered for any money which may be collected or disbursed by any of the departments or officers of said city. The said common council may by ordinance prescribe his qualifications and more particularly define his duties; and he shall be removable from office at any time by the mayor with the concurrence of the common council.

CHAPTER VI.

OF THE BOARD OF PUBLIC WORKS.

Commissioners of
public works—
salary.

§ 1. There is hereby established an executive department of the municipal government of said city to be known as the "Board of Public Works," to consist of the mayor,

who shall be a member of the board, *ex officio*, and three commissioners to be chosen in the manner hereinbefore prescribed.

§ 2. Said commissioners shall each receive an annual salary of twenty-five hundred dollars, and shall each, before entering upon the discharge of his duties, give bond to the city in the sum of one hundred thousand dollars, with sureties to the satisfaction of the common council; which bond shall be conditioned for the faithful discharge of his duties as such commissioner and that he will well and truly pay over any and all moneys, and surrender any and all property, books and papers which may come into his hands as such commissioner, on the expiration of his term of office, or when required to do so by the common council. Bond.

§ 3. Said board shall elect from their number a president and a treasurer, who shall hold their offices for the term of one year, and until their successors are elected and qualified, and they shall establish by-laws for the regulation and conduct of their officers and employees. Officers of the board.

§ 4. Said board shall appoint a secretary, and some competent and scientific person as civil engineer to said board, who shall be styled the city engineer. The officers so appointed shall be removable at any time, at the pleasure of the board of public works. Appointees.

§ 5. It shall be the duty of the city engineer to perform all the civil engineering required by the board of public works in the prosecution of all public improvements committed to their charge, and to do such other surveying as may be directed by the board or by the common council. He shall receive for his services such annual salary as the common council shall direct; and shall devote his whole time to the duties of his office. He shall possess the same powers in making surveys and plats, within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by such engineer, as are or may be given by law to the acts, plats, and surveys of county surveyors. City engineer.

§ 6. The said board of public works shall have power, upon application being made to them by any citizen, of whose character and qualifications satisfactory evidence shall be produced, to give such applicant a license under the corporate seal to act for two years as a land surveyor in said city and for each license so granted said board shall require a fee of ten dollars to be paid into the city treasury. Surveyors so licensed shall take the same oath required by law to be taken by the county surveyor, and shall give bond to the city of Chicago, with two sufficient sureties, to be approved by said board, in the penal sum of twenty-five hundred dollars, conditioned for the faithful performance of the duties of a land surveyor, and the payment of all damages that may be sustained by any individual for whom such License of surveyors.

services may be rendered, in consequence of the carelessness, misconduct or incompetency of such surveyor. Said bond shall be filed in the office of said board, and suits may be brought and recovery had thereon in the name of said city, by any party who may have sustained damages as above mentioned; but said city shall in no case be held liable for the costs of such action, nor for any delinquency, fault or misconduct of such surveyor. The license to be granted as above provided, with a certificate of the aforesaid oath subjoined thereto, shall be recorded in the office of the recorder of Cook county; and then, and not before, the person so licensed shall have full power and authority, for the term of two years from the date of such license, to make surveys within the city limits, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him as are or may be given by law, to the acts, plats and surveys of county surveyors: *Provided*, that the surveyors so licensed shall be governed by such laws of the State of Illinois and such ordinances of the city of Chicago prescribing the mode of surveying, as are now or may hereafter be in force: *And provided, further*, that the said board of public works shall have power to revoke any license granted under the provisions of this section, upon satisfactory evidence being presented to them of the incompetency or official misconduct of the person so licensed.

Surveyor's bond.

§ 7. In all cases where lands in said city are hereafter sub-divided and laid out into blocks or lots, sub-lots, streets and alleys, or new streets or public grounds are donated or granted to the public by any proprietor, in order to secure a uniform plan in the laying out of such streets and alleys, the map or plat thereof shall be submitted to the board of public works for their approval. If they approve the same they shall certify upon it their approval; and no such map or plat shall be entitled to record or have any validity until so approved by said board.

Dividing of lots and blocks.

§ 8. The board of public works is authorized to employ, from time to time, such superintendents, surveyors, clerks, assistants and workmen, in the discharge of their duties, as they may deem necessary, subject, however, to such regulations respecting the number of agents regularly or permanently employed, and their compensation and duties, as the common council may prescribe by ordinance.

Employees of the board.

§ 9. The office expenses, and the expenses for clerks, engineers and assistants, and the salaries of said commissioners of the board of public works and their officers shall be a charge, and shall be paid share and share alike, out of the funds pertaining to the general fund of said city, and the funds pertaining to the water and sewerage works of said city; each of said funds to bear one-third of said expense.

Expenses.

§ 10. A majority of said board shall constitute a quorum Quorum. to do business; they shall keep a record of all their acts and doings, and shall keep and preserve copies of all contracts, estimates, receipts, plans, profiles, and the papers of the board: and shall report their acts and doings in detail to the common council, on or before the tenth day of April in each year, and oftener when required so to do by the common council. Each of said commissioners shall have power to administer any oath authorized to be taken by the laws of this State.

§ 11. It shall be the duty of said board to take the special charge and superintendence, subject to such general ordinances as may be lawfully established by the common council, of all streets, alleys, lanes or highways in said city, and of all walks and cross-walks in the same, and of all bridges, docks, wharves, public places, public landings, public grounds and parks in said city, and of all markets, market-places and market-houses, engine-houses, hospitals, armories and all other public buildings in said city, belonging to the city, except school-houses, and of the erection of all public buildings, of all lamps and lights for the lighting of the streets, alleys, lanes, highways, bridges, parks, public places and public buildings of the city, and of the erection and repair of such lamps and lights, of all works for the widening, deepening or dredging of the Chicago river, or either of its branches; of all sewers and the works pertaining thereto; of the water-works of said city; of all public improvements hereafter to be commenced by said city, and they shall perform all the duties by this act prescribed, and such other duties as the common council may prescribe by ordinance. Superintendence
of streets, etc.

§ 12. The said board shall have the exclusive privilege to grant permits, according to the ordinances of the city, for the moving of houses through the streets of the city, and the raising of buildings and side-walks, and to regulate the building or placing of vaults under the streets, alleys, and side-walks and require such compensation for the privilege as they shall deem reasonable and just, subject to the approval of the common council; also to regulate all open spaces for basement stories, and the use of the public streets in any legal and proper manner, except for railroad tracks; and no building material or obstruction of any kind shall be placed in the public streets, alleys, or on the public grounds, without the written permit of said board. Said board shall have full power to regulate and control the manner of using the streets, alleys, highways and public places of the city, for the laying down of gas or water pipes and sewers and determine the location thereof, and to cause the prompt repair of the streets, alleys, highways and public places whenever the same may be taken up or altered; and they are hereby authorized and empowered to charge Permits for moving
houses.

and collect by suit or otherwise, in the name of the city of Chicago, the expense of such repairs to and from the person or persons by whom such street, alley, highway or public ground may have been taken up or altered.

Wooden build-
ings.

§ 13. The said board shall have the exclusive privilege of granting permits for the erection of wooden buildings within the fire limits of said city, subject to such general regulations as the common council may by ordinance prescribe; and for all permits of every kind which said board is authorized to grant, it may make such reasonable charge as it may deem proper, or as the common council may by ordinance direct.

Assessments.

§ 14. The commissioners of the board of public works, with the exception of the mayor, shall in all cases, except as is in this act otherwise provided, act as commissioners to make special assessments, whenever the same may be ordered; for the making of which assessments they shall receive no fees.

Advertising for
proposals for
public work.

§ 15. Whenever any public improvement shall be ordered by the common council of said city, and the assessment for the same (where the same is to be paid for by special assessment,) shall have been confirmed, and one-half of such special assessment shall have been paid into the city treasury, the said board of public works shall advertise for proposals for doing said work; a plan or profile of the work to be done, accompanied with specifications for the doing of the same, being first placed on file in the office of said board; which said plan, profile and specifications shall at all times be open for public inspection; which advertisement shall be continued for at least ten days in the corporation newspaper, and shall state the work to be done. The bids for the doing of such work shall be *sealed bids*, directed to said board, and shall be accompanied with a bond to the city in the sum of two hundred dollars, signed by the bidder and two responsible sureties, conditioned that he shall execute the work for the price mentioned in his bid, and according to the plans and specifications, in case the contract shall be awarded to him; and in case of default on his part to execute a contract and perform the work, said bond may be sued and judgment recovered thereon by the city for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened at the hour and place mentioned in said notice. When the expense of any work or public improvement shall exceed the sum of five hundred dollars, and the same is to be paid out of the general fund, or the water or sewerage fund, of said city, the doing of such work shall be let by contract, in the same manner as is provided in cases where the expense of the same is to be paid for by special assessment.

The awarding of
contracts.

§ 16. All contracts shall be awarded by said board to the lowest reliable and responsible bidder or bidders, who

shall have complied with the above requisition and who will sufficiently guarantee, to the satisfaction of said board, the performance of said work, under the superintendence and to the satisfaction of said board: *Provided*, that the contract price does not exceed the estimate, or such other sum as shall be satisfactory to said board; copies of which contracts shall be filed in the office of the comptroller of said city.

§ 17. The board of public works shall reserve the right, in their said contracts, to finally decide all questions arising as to the proper performance of said work; and in case of improper construction, to suspend said work at any time, and re-let the same; or to order the entire reconstruction of said work, if improperly done; or re-let the same to some more capable and faithful contractor or contractors, with power hereby given to said board to adjust the difference of damages or price, (if any there be,) which the contractor or contractors failing to properly construct such work, in such cases of default, should, in their opinion, pay to the city, according to the just and reasonable interpretation of such contract; which difference or balance shall be recoverable at law in the name of said city, before any court having competent jurisdiction thereof, against such contractor or contractors. In all cases where the contractor or contractors shall proceed to properly perform and complete their said contracts, the said board may, in their discretion, from time to time, as the work progresses, grant to said contractor or contractors an estimate of the amount already earned, reserving fifteen per cent. therefrom, which shall entitle the holder or holders to receive the amount that may be due thereon when the money applicable to the payment of such work shall have been collected and the conditions annexed to said estimate, if any, shall have been satisfied. Any persons taking any contracts with the city, and who agree to be paid from special assessments shall have no claim or lien upon the city in any event, except from the collections of the special assessments made for the work contracted for; and no work to be paid for by a special assessment, shall be let except to a contractor or contractors who will so agree.

Suspension or re-letting of work.

§ 18. In case the prosecution of any public work should be suspended in consequence of the default of any contractor, or in case the bids for doing any such work should be deemed excessive, or the persons making proposals not responsible or proper persons to be entrusted with its performance, the board of public works may, with the written approval of the comptroller, where the urgency of the case and the interests of the city require, employ workmen to perform or complete any improvement ordered by the common council: *Provided*, that the cost and expense thereof shall in no case exceed the amount assessed or sum appropriated for completing the same.

Proceedings in default of contractor.

§ 19. All supplies of materials, or necessities of any kind, exceeding in amount the sum of five hundred dollars, shall be purchased by said board of public works, when practicable, by contract with the lowest responsible bidder, as is provided for the making of contracts for the doing of work.

Contract without notice.

§ 20. Whenever the said board of public works shall deem it necessary for the interests of the city, and to protect the same from great loss and damage, they shall report to the common council such necessity, and the reason for the same, asking from the council the power to enter into a contract (specifying such contract) without giving the notice in this act required to be given before letting a contract; and the common council, on being satisfied of such necessity, may, by resolution, grant such power: *Provided*, three-fourths of all the aldermen elected shall vote in favor of such resolution.

§ 21. All contracts entered into by said board of public works, and all bonds taken by them shall be entered into in the name of, and be made to, the city of Chicago.

Membr's of board to have no interest in contract.

§ 22. No member of the board of public works, nor officer or clerk in their employ, shall be interested, directly or indirectly, in any contract made and entered into by said board of public works, for any work or for any materials to be furnished therefor; and all contracts made with said board in which any member or officer of said board shall be so interested, shall, at the option of the city, be declared utterly void and of no binding effect whatever; and any member or officer of said board interested in any contract shall thereby forfeit his office, and be removed therefrom on proof of such delinquency; and it is hereby made the duty of each member of said board of public works, and of the mayor, and of every officer of said city, to report to the common council any such delinquency when discovered.

Sewerage.

§ 23. The board of public works shall have the exclusive charge and superintendence of the sewerage and water works of said city, and shall receive and collect all water rents, water taxes or assessments, and sewerage permits and licenses; and they shall report to the city treasurer once in each week all moneys so received by them, and at the same time pay over to said city treasurer all such moneys, with a statement of the same; to which account the same belong, and shall receive his receipt for all moneys so paid over.

Bonds of sewerage and water commissioners.

§ 24. All bonds, contracts, agreements or obligations, of what kind or nature soever, heretofore executed by the board of sewerage commissioners or water commissioners shall be carried out and completed by said board of public works. All contracts entered into by said board on account of the sewerage or water works of said city, shall specify that they are for such works, and are to be paid out of the funds pertaining to such works.

§ 25. The board of public works shall, on or before the first day of May in each year, submit a statement to the comptroller, to be by him laid before the common council, with his annual estimate, of the repairs and improvements to be paid for out of the general fund of the city, and necessary to be undertaken by said city during the current year, and of the sums by said board of public works required to make such repairs and improvements, as near as the same can be estimated, which report shall be in detail, and such estimate having been revised by the common council, the aggregate amount of the sums required after such revision shall be provided for in the general tax levy to be laid on said city. All moneys hereafter to be paid to any person or persons out of the moneys so raised and appropriated, or out of the sewerage or water funds, or any special assessment fund, shall be certified by the president of the board of public works, or in his absence by the acting president of said board to the comptroller, who shall draw his warrant on the treasurer therefor, stating therein the particular fund to which the same is chargeable, and the person to whom payable; and such warrant shall be countersigned by the president, or in his absence by the acting president, of the board of public works and the mayor.

Annual report of
board of public
works.

§ 26. The commissioners of the board of public works shall be sworn the same as other officers to the faithful discharge of the duties of their office; and no person hereafter elected shall act as a commissioner of said board until, in addition to the oath required of all city officers, he shall swear that he is then, and for the year immediately preceding has been, a resident freeholder in the division of the city from which he was elected, which oath shall be filed in the clerk's office.

Commissioners'
oath of office.

§ 27. No member or officer of said board, or other officer of said city, and no member of the common council, shall either directly or indirectly receive any interest or profit whatever on account of the deposit of any of the funds belonging to the city; nor shall any member or officer of said board, or officer of said city, or any member of the common council, either directly or indirectly, make use of or borrow any of said funds for his own private benefit or advantage. The funds of said city in the hands of said board shall, until deposited with the treasurer of said city, as herein before provided, be kept in such place or places of deposit as shall, by an order of said board, be directed, which order shall be entered upon the records of the said board: if either of the members or any of the officers of said board shall either directly or indirectly receive or appropriate for his own use or benefit any of the funds, money or property of the said city, or shall directly or indirectly take, pledge or borrow any of the said funds or property for his own use or benefit, such member or officer of said board shall be

Place of keeping
city funds.

deemed guilty of embezzlement, and shall be liable to indictment, and on conviction thereof shall be sentenced to imprisonment for a term of not less than six months nor more than ten years, in the penitentiary of this State; and also be fined in a sum equal to the amount of the money embezzled. The members of said board shall be liable upon their bond for the loss of any or all moneys coming into the possession or control of said board.

§ 28. It shall be the duty of the said board to keep books of account, showing with entire accuracy the receipts and expenditures of the board, in such manner as to enable the same to be readily understood and investigated; and also to preserve on file in their office duplicate vouchers for all their expenditures, which books and duplicates shall at all times be open to the examination of the comptroller of said city, or to the finance committee of the common council, or to any other committee appointed by the common council.

CHAPTER VII.

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

§ 1. The common council shall have power, from time to time—

Powers of council concerning streets.

First. To lay out public streets, alleys, lanes, and highways, and to make wharves and slips at the ends of streets, and extend, alter, widen, contract, straighten, and discontinue the same; and to purchase, and lay out public parks, squares or grounds.

Rivers.

Second. To cause any street, alley, lane or highway, to be filled, graded, leveled, paved, curbed, walled, graveled, macadamized or planked; and keep the same in repair.

Third. To widen, deepen, or dredge out the Chicago river, or either of its branches, or any part or parts of the same.

Fourth. To cause cross and side walks, area walls, lamp posts, and private drains, to be constructed and laid, relaid, erected, cleansed and repaired.

Public squares.

Fifth. To fill, grade, improve, protect and ornament, any public square, now, or hereafter, laid out.

Expenses.

§ 2. The expenses of any improvement mentioned in the foregoing section, shall be defrayed, save as is herein otherwise provided, by a special assessment upon the real estate benefited thereby, to be levied in the manner hereinafter prescribed.

Grade of streets.

§ 3. All applications or propositions for establishing the grade of streets, or for a change of grade, the erection of bridges and lamp posts, the grading, re-grading, paving, re-paving, graveled and re-graveling, macadamizing, planking and re-planking of streets, alleys, highways, or lanes, the

construction and repair of sidewalks and private drains, the improvement of public grounds or buildings belonging to the city, except school houses, the widening, deepening or dredging of the Chicago river, or either of its branches, the opening, straightening, widening or closing of any street, alley, lane or highway, or for any other improvement, the doing of which is within the discretion and control of the municipal government of said city, shall hereafter be first made to the board of public works; or, if first made to the common council, shall be by them referred to said board. Upon receiving any such application, the said board shall proceed to investigate the same; and if they shall determine that such improvement is necessary and proper, they shall report the same to the common council, accompanied with an estimate of the expense thereof, and a proper ordinance or order directing the work. If they do not approve of such application, they shall report the reasons for their disapproval, and the common council may then, in either case, order the doing of such work, or the making of such public improvement, after having first obtained from said board an estimate of the expense thereof. The board of public works may also, in like manner recommend, whenever they think proper, any improvement of the nature specified in this section, though no application may have been made therefor; and in all cases the common council, after having obtained from said board an estimate of the expense, may make such changes in the proposed plan as may be petitioned for by any of the owners of the property to be assessed.

Dredging river,
etc.

§ 4. Whenever the board of public works shall recommend the opening, straightening, widening or extending of any street, lane, alley, or highway, in said city, or the widening of the Chicago river, or either of its branches, or any part or parts of the same, they shall furnish to the common council a plan or profile of the contemplated improvement, and shall also specially report whether, in their opinion, real estate to be assessed for said improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby; and whenever in any case they shall recommend to the common council the doing of any work, or the making of any public improvement, to be paid for by a special assessment, they shall with such recommendation certify to the common council whether the contemplated improvement is asked for by the petition of the owners of a majority of the property to be assessed for such improvement, and if the owners of a majority of the property so to be assessed, shall have failed to petition therefor, the same shall be ordered only by the votes of at least three-fourths of all the aldermen present, such vote to be entered by ayes and noes on the record of the common council. The certificate of said board of public works shall

Extending of
streets.

be *prima facie* evidence as to the number of said petitioners and of their interest in the property assessed.

CONDEMNATION PROCEEDINGS.

Assessment
damages.

of

§ 5. Whenever any order is passed by the common council, by virtue hereof, for the making of any public improvement mentioned in the first section of this chapter which shall require the appropriation or condemnation of any land or real estate, the commissioners of the board of public works shall forthwith proceed to ascertain and assess the damages and recompense due the owners of such land respectively, and at the same time to determine what real estate will be benefited by such improvement, and assess the damages, together with the costs of the proceedings, on the real estate by them deemed benefitted, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel. If the proceeding be one for widening the Chicago river, or either of its branches, or any part or parts of the same, the assessment may, if so ordered by the common council, be made to include the estimated expense of excavation and completing the work, in addition to the value of the land condemned; but in all other cases shall cover only the damages awarded for the real estate appropriated and the costs of the proceedings.

Oath of commis-
sioners.

§ 6. Before proceeding to make said assessment the commissioners shall be sworn, faithfully to execute their duties, according to the best of their ability. They shall then give six days' notice by publication in the corporation newspaper, of the time and place of their meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and shall describe the land to be condemned, as near as may be done by general description. The meeting of said commissioners, when engaged in making such assessment, shall be held in a public place in said city, to be specified in said notice, and all persons interested in any such assessment, shall have the right to be present and be heard, either in person or by counsel. The commissioners shall view the premises to be condemned and receive any legal evidence that may be offered, for the purpose of proving the true value thereof, or the damages that will be sustained, or benefit conferred, by reason of the contemplated improvement; and the said commissioners, for this purpose, are hereby authorized to administer oaths to all witnesses produced before them. They shall permit the counsel to the corporation, or city attorney, to appear before them at such hearing, to represent the interests of the city, and may adjourn from time to time until said assessment is completed.

Appraisalment.

§ 7. The commissioners, in making said assessment, shall determine and appraise, to the owner or owners, the value of the real estate appropriated for the improvement,

and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owners respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement.

§ 8. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the commissioners shall strike a balance, and carry the difference forward, to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only shall, in any case, be collectable of them, or paid to them.

§ 9. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the commissioners, in their discretion, in making such assessment, where part of the land to be laid out into such street or alley, has been theretofore donated by any person or persons for such street or alley, to appraise the value of the land so donated, and to apply the value thereof, as far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donation, or those claiming under them; but nothing herein contained shall authorize any person or persons by whom such donation is made to claim from the city the amount of such appraisal, except as an offset, as herein provided. And where the assessment is one for the widening of any street, which may have been theretofore, either in whole or in part, donated to the public by the proprietors of the adjoining land, it shall also be lawful for said commissioners, in their discretion, to make such allowance therefor, in their assessment of benefits, as shall to them seem equitable and just. Offsets.

§ 10. If there should be any building standing in whole or in part upon the land to be taken, the commissioners shall add to their estimate of damages for the land, the damages also for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken, shall also be determined by the commissioners, and notice of such determination shall be given by them to the owner when known, if a resident of the city, or left at his usual place of business or abode. If the owner is not known, or is a non-resident, notice to all persons interested shall be given by publication for ten days in the corporation newspaper. Such owner may at any time within ten days after service, or the first publication, of such notice, notify to said commissioners in writing his election to take such building or part of building at their appraisal; and in such case the amount of such appraisal shall be deducted by the commissioners from the estimated damages Damage for buildings taken.

for the land and building, where they belong to the same owner, and from the estimated damages for the building where they belong to different owners; and the owner shall have such time for the removal of the building after the confirmation of the assessment, as the board of public works may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the board of public works shall, after the confirmation of the assessment and after the money is collected or otherwise provided and ready in the hands of the treasurer to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction, for cash, giving at least five days' public notice of the sale by publication in the corporation newspaper and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the city treasury to the credit of the special assessment fund raised for the said improvement.

§ 11. If the lands and buildings belong to different persons, or if the land be subject to lease, the injury done to such persons, respectively, may be awarded to them, by the commissioners, less the benefits resulting to them, respectively, from the improvement.

Assessment of
damages.

§ 12. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvement, as nearly as may be, and shall briefly describe the real estate upon which their assessments may be made; and it shall constitute no legal objection to said assessment that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement submitted to the common council by the board of public works.

Filing of assess-
ment rolls with
city clerk

§ 13. When completed the commissioners shall sign and file the assessment roll in the office of the city clerk, and a duplicate thereof in the office of the board of public works. Notice shall be given by said commissioners, by six days' publication in the corporation newspaper, of the filing of such assessment roll in the clerk's office; and that at the next regular meeting of the common council to be held after the expiration of such publication, they will apply to the common council for a confirmation of said assessment. Objections to said assessment may be heard before the common council, but all parties objecting shall file their objections in writing, in the office of the city clerk, at least one day prior to such meeting of the council. Should no quorum be present at such meeting, the matter shall stand postponed to the next regular meeting of the council when there

shall be a quorum. The council shall have power to adjourn such hearing from time to time, and shall have power in their discretion, to revise and correct the assessment, and confirm or annul the same, and direct a new assessment to be made. Said assessment, when confirmed by the common council, shall be final and conclusive upon all parties interested therein, except as is hereinafter provided; and when said assessment is confirmed and no appeal is taken, as herein provided, a warrant shall issue for the collection of the same, signed by the mayor and city clerk. If said assessment shall be annulled by the common council or set aside by the court, the commissioners of the board of public works shall proceed to make a new assessment, and return the same in like manner, and give like notices as herein required in relation to the first; and all parties in interest shall have the like rights, and the common council shall perform like duties and have like powers in relation to any subsequent determination as are hereby given in relation to the first.

§ 14. Any person whose property has been appropriated and who has filed objections to said assessment, as hereinbefore provided, shall have the right, at any time within ten days after the confirmation of the same by the common council, and not after that time, having first given notice of his or her intention so to do to the counsel to the corporation or city attorney, specifying in such notice the court to which the appeal is to be taken, to pray an appeal to any court of general jurisdiction in Cook county from the order of the common council confirming such assessment, upon filing a bond to said city, approved by the judge or judges of the court to which the appeal is taken, conditioned to save the city harmless from all damages caused by the taking of such appeal. In case of appeal a copy of the assessment roll, as confirmed by the common council, and of the objections to the final order confirming the same, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal against the city of Chicago, as an "appeal from assessment." The said cause shall be then at issue, and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried by the court, and on such trial the only questions to be passed upon shall be whether the common council had jurisdiction in the case, and whether the valuation of the property specified in the objections is a fair valuation, and the assessment so far as it affects said property, is a fair and impartial assessment.. The judgment of the court shall be either to confirm or annul the assessment, from which judgment no appeal or writ of error shall lie.

Taking appeals.

Judgment to confirm assessment.

§ 15. When any such assessment shall have been confirmed by the common council, and no appeal have been taken therefrom, or, if an appeal shall have been taken, when judgment to confirm the assessment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The board of public works shall thereupon cause to be paid to the owner of such property, or to his agent, the amount of damages, over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose; but the claimant shall in all cases furnish an abstract of title showing himself entitled to such damages before the same shall be paid. If in any case there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant a bond with good and sufficient sureties to hold said city harmless from all loss, costs and expenses, in case any other person should claim said damages. In all cases the title to land taken and condemned in manner aforesaid shall be vested absolutely in the city, in fee simple.

Notice to be given before property is taken.

§ 16. As soon as the money is collected, and ready, in the hands of the treasurer, to be paid over to parties entitled to damages for property condemned, ten day's notice thereof shall be given by the board of public works in the corporation newspaper; and the city may then, and not before, enter upon, take possession of and appropriate the property condemned.

§ 17. Where the whole of any lot or parcel of land or other premises under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlords and tenants, or any other contracting parties, touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

Prior contracts and agreements.

§ 18. Where part only of any lot or parcel of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, and agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned as that the part thereof, justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for the same.

Record of improvements.

§ 19. All proceedings taken by said board of public works, in relation to the laying out of any street, alley, lane or highway, wharf, slip, public square or ground, or the

widening, contracting, straightening or discontinuing the same, and all proceedings for the widening of the Chicago river or either of its branches, shall be recorded by the said board in a book or books kept for that purpose, describing particularly the said improvements, and the real estate required to be taken therefor.

DEEPENING AND DREDGING THE RIVER.

§ 20. Whenever any order is passed by the common council, by virtue hereof, to deepen or dredge out the Chicago river, or either of its branches, or any part or parts of the same, the commissioners of the board of public works shall forthwith proceed to assess the amount directed to be assessed, on the real estate by them deemed benefited by any such improvement, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel; and shall briefly describe in the assessment roll, to be made by them, the real estate assessed, and the amount of the assessment in each case.

IMPROVEMENT OF STREETS.

§ 21. Whenever any order is passed by the common council, by virtue hereof, for the filling, grading, leveling, paving, curbing, walling, graveling, macadamizing, plank-ing, or repairing of any street, lane, alley, or highway, the commissioners of the board of public works shall forthwith proceed to assess the amount directed by the common council to be assessed, on the real estate fronting or abutting on the contemplated improvement. Said assessment shall be made in such manner, as nearly as may be, that each separate block, lot, sub-lot, piece or parcel of land, on either side of the street or part of street to be improved, shall sustain the cost and expense of making or completing the improvement upon that half of the street directly adjacent to or in front of the same.

§ 22. Where, in any case, any portion of the cost and expense of making any improvement mentioned in the foregoing section, shall, by virtue of any valid law or ordinance of the corporation, or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon said railway company, and the balance only, upon the real estate fronting or abutting on such improvement; and the city may collect the amount so assessed upon the said railway company, by distress and sale of personal property, as in other cases, or by suit brought for that purpose: *Provided*, that any real estate belonging to such railway company and fronting or abutting upon the said improvement shall be assessed as in other cases.

§ 23. Before proceeding to make an assessment, for any improvement mentioned in the three preceding sections,

Chicago river.

Grading and paving of streets.

Assessments upon railway companies.

Commissioners' oaths.

said commissioners shall be sworn as in other cases, and shall give six days' notice, by publication in the corporation newspaper, of the time and place of their meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and the amount to be assessed. All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the commissioners may, in their discretion, receive any legal evidence, and may adjourn, if necessary, from time to time.

Signing and return of assessment.

§ 24. When the commissioners shall have completed their assessment, they shall sign and return the same in like manner, and give like notice of the application to the common council for confirmation, as herein required in relation to assessments for the condemnation of real estate; and all parties in interest shall have the like rights, and the common council shall perform like duties and have like powers in relation to such assessment as are herein given in relation to assessments for the condemnation of real estate. When confirmed by the common council said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases; and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said commissioners shall proceed to make a new assessment and shall return the same in like manner and give like notices as herein required in relation to the first.

SIDEWALKS AND DRAINS.

Notice to be given

§ 25. All owners or occupants of real estate, in front of, adjacent to, or upon whose premises the common council shall order or direct any sidewalk or private drain to be constructed, shall construct such sidewalk or private drain at their own costs and charges in the manner prescribed by said common council and within such reasonable time, not exceeding twenty days, as the board of public works shall direct, of which time notice shall be given to such owner or occupant by personal service, or leaving the same at his usual place of business or abode, or by three days' publication in the corporation newspaper. If the work be not done in the manner and within the time prescribed, the commissioners of the board of public works shall forthwith proceed to assess the amount necessary to be assessed therefor, together with all costs, upon the real estate aforesaid, which assessment shall be made and returned, and may be confirmed and collected in the same manner as in the case of filling, grading or paving streets, and when confirmed shall have the same force and effect; like powers, rights and duties being hereby conferred and imposed upon the said commissioners and common council and on all parties interested, in both cases.

§ 26. For any neglect or refusal to comply with any order of the common council in the preceding section referred to, the said common council may impose by ordinance such penalties upon the owners or occupants aforesaid, not exceeding twenty dollars for each day's neglect, as to the said common council shall seem proper. Penalties for neglect.

§ 27. Upon the passage of any order in the two preceding sections referred to, the board of public works may, in their discretion, in case the said owners or occupants should fail to comply therewith, cause said improvement to be made and paid for out of any moneys in the treasury at their disposal, and afterwards cause the expense thereof, together with all costs, to be reimbursed by a special assessment to be levied and collected as in other cases, or the same may be recovered by suit from such owner or occupant, as for money paid and laid out for his use and at his request. Paying of expense by the city and recovery thereof

§ 28. When in any case, it shall be deemed necessary by the board of public works to cause any sidewalk to be raised, lowered, repaired or relaid, or any private drain to be raised, lowered, repaired or cleansed, it shall be lawful for said board to require the owner or occupant of the premises, in front of, adjacent to, or upon which said improvement is to be made, to make the same forthwith, or within such reasonable time as the board of public works may prescribe, either upon written or verbal notice to that effect; and in case of neglect or refusal to comply with said requirement, as well as in all cases where the owner or occupant cannot be found, the board of public works may cause the work to be done and paid for out of any moneys in the treasury at their disposal. Said board shall then report to the common council the amount of said expenditure, giving a description of the lots or other premises liable therefor, and the amount for which each is chargeable. The common council shall thereupon assess the said expenses, by an order, ordinance or resolution, upon such lots respectively, and the same may be collected by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises for recovery of such expenses, as for money paid and laid out for his use and at his request. The common council may also by ordinance impose such penalties upon the owners or occupants aforesaid for any neglect or refusal to comply with the aforesaid requirement, not exceeding twenty dollars for each day's neglect, as to the said common council shall seem proper.

§ 29. Nothing in the preceding sections contained shall be so construed as to relieve the owners or occupants of real estate from the duty of keeping the sidewalk in front of, or adjacent to, their respective premises, at all times, in a safe condition and in a good and thorough state of repair; but such duty is hereby expressly enjoined and imposed upon Repair of sidewalks.

all such owners and occupants; and if at any time any injury shall be sustained by any individual, or the city shall be subjected to any damages in consequence of any defect in any sidewalk, or its being out of repair, the owner and occupant of the adjacent premises, whose duty it is to make repairs, shall be jointly and severally liable therefor, and the same may be recovered by suit in any court of general jurisdiction. If the owner be a non-resident, proceedings may be commenced against the property by attachment, as in other cases of attachment under the laws of this State.

ERECTION OF LAMP POSTS.

Proportionate
share of expense

§ 30. Whenever any order is passed by the common council, by virtue hereof, for the erection of lamp posts upon any of the streets in said city, the commissioners of the board of public works shall forthwith proceed to assess the amount directed by the common council to be assessed therefor, upon the several lots, pieces or parcels of land fronting or abutting on the street or part of street along which said posts are to be erected. Said assessment shall be made in such manner, as nearly as may be, that each separate lot, piece or parcel of land on either side of such street, for the whole distance proposed to be lighted, shall sustain its fair proportionate share of the expense, according to the number of lineal feet of each separate lot or parcel on such street: which assessment shall be made and returned, and may be confirmed and collected, in the same manner as in the case of filling, grading or paving streets, and when confirmed shall have the same force and effect; like powers, rights and duties being conferred and imposed upon the said commissioners and common council and all the parties interested, in both cases.

REMOVAL OF NUISANCES.

Assessment in-
curred in re-
moval.

§ 31. In all cases where expenses may be incurred in the removal of any nuisance, the common council may cause the same to be assessed against the real estate chargeable therewith, in the manner prescribed in the twenty-eighth section of this chapter. Such expenses shall be likewise collectable of the owner or occupant of such premises in a suit for money expended to his or their use. Suit may, in like manner, be brought for such expenses against the author of such nuisance when known, or any person whose duty it may be to remove or abate the same.

GENERAL PROVISIONS.

Landlord or own-
er chargeable
with costs of re-
pairs, etc.

§ 32. In all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought to bear and pay every charge or assessment made for the expense of any public improvement. Where any such charge or assess-

ment shall be made upon or paid by any person, when, by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest; or he may retain and deduct the same from any rent due or to become due to such person. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant, or other persons, respecting the payment of such assessments.

§ 33. When any known owner residing in said city, or elsewhere, shall be an infant, and any proceedings had under this act shall render it necessary, the circuit court of the county of Cook, the judge thereof, or any judge of any court of general jurisdiction in said city, or the judge of the county court, may, upon the application of the board of public works, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all personal notices and summons, required by this act, may be served on such guardian.

Appointment of guardian.

§ 34. No writ of *certiorari* shall be allowed in the case of any special assessment proceedings commenced under the provisions of this act, unless applied for within thirty days after the confirmation of the assessment, and not then at the suit of any party who has neglected to file his objections to such confirmation as hereinbefore provided, unless the party applying for the writ shall satisfy the court by legal and satisfactory evidence, other than his own oath, that he has a sufficient legal excuse for such omission or neglect.

Writs of certiorari.

§ 35. If, in any case, the first assessment prove insufficient, the board of public works shall make a second in the same manner, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

Second assessment.

§ 36. If, from any cause, the city shall fail to collect the whole or any portion of any special assessment which may be hereafter levied, and which shall not be canceled and set aside by the order of any court upon *certiorari* or appeal, for any public improvement required to be paid for by special assessment, the common council may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property, for the amount of such deficiency, and interest thereon from the date of such original assessment, which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were

Collection of assessments.

made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the common council may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such re-assessments that the property may have changed hands or been encumbered subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements to be paid for by a special assessment, a charge upon the property assessed therefor for the full period of five years from the confirmation of the original assessment, and for such longer period as may be required to collect in due course of law any new assessment ordered by the common council within that period.

Cause of vacancies and mode filling the same.

§ 37. If in any case the commissioners of the board of public works, or either of them, are specially interested in any special assessment about to be levied, the commissioners or commissioner so interested shall be disqualified from serving in that particular case. Any vacancy occasioned in this manner, or by the absence, inability or refusal to serve of any commissioner, may be filled by appointment by the mayor. The special commissioner so appointed shall be allowed two dollars per day for his actual services, and shall be sworn in the same manner as the other commissioners.

§ 38. Should the board of public works report to the common council at any time in favor of any proposed improvement of the Chicago river, or either of its branches, or any part or parts of the same, and at the same time recommend that the expense thereof be defrayed by a general tax upon all the taxable property in the city, it shall be lawful for the said common council to levy such a tax; and in such case the amount required to be raised shall be assessed upon the whole taxable real and personal property in the city, and be included in the general tax levy of the succeeding year under the head of "Permanent Improvement Tax."

Wharves—repair of.

§ 39. The cost and expense of constructing or repairing wharves, and slips at the ends of streets, of the cleaning of streets, alleys, lanes, and highways, and of ordinary repairs upon the same, of purchasing public squares or parks and improving the same, of all improvements at the intersections of streets or alleys, or of streets and alleys, (excepting sidewalks and area or street walls,) of the repair of public buildings belonging to the city, of the construction of cross walks, and of all bridges and other improvements not enumerated in the first section of this chapter, shall be chargeable upon, and paid out of, the general fund, or other appropriate fund of said city not raised by special assessment.

§ 40. Whenever any number of persons shall agree to

secure to the board of public works the full expense of constructing any bridge, the common council may, in their discretion authorize the persons agreeing to bear the expense thereof, to contract for the building of such bridge. In such case, however, the board of public works shall have the entire charge and superintendence of such work, and the plans for the same shall be subject to their approval.

§ 41. Any person or persons, who shall injure or destroy any bridge, the construction of which may have been heretofore or may be hereafter authorized or permitted to be built by the common council, or any public buildings or other property belonging to said city, or shall cause or procure the same to be injured or destroyed, or who shall wantonly spoil, or damage any street, alley, sidewalk, public square or ground, shall be subject to a penalty not exceeding five hundred dollars for each offense, to be recovered by the city in an action of debt, and may be imprisoned for a term not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person or persons shall also be liable in a civil action at the suit of the city for the damages occasioned by such injury or destruction.

Injury or destruction of bridges.

§ 42. Upon the petition of a majority of the owners of lots upon Michigan avenue, lying between Washington street and the north line of a short street running from Michigan avenue to lake Michigan, on the north line of block twenty-three, in fractional section fifteen, addition to Chicago, it shall be lawful for the common council to increase the width of said avenue thirty-six feet upon the east line thereof, from the north line of Randolph street to the north line of the short street running from Michigan avenue to lake Michigan, on the north line of block twenty-three, in fractional section fifteen, addition to Chicago, and secure the east line of the proposed increase of width by a substantial stone wall, so far as the same is necessary for this purpose. Said council shall grade the increased width aforesaid to a line of the present level of said street or avenue, and devote twenty feet of said width to the present road bed, graveling the same as the present road bed is graveled, and upon the remaining sixteen feet of said increased width, construct and lay down a good and substantial stone side-walk, and upon the wall aforesaid, so far as the same is constructed, and upon a proper stone foundation to be built, erect upon the same, a good and substantial iron fence, along the whole line aforesaid. The said common council, to defray the expense of said improvement, are hereby authorized to have the same assessed by the board of public works, two-thirds of which shall be assessed upon the blocks of land fronting upon Michigan avenue, and lying between Washington street and Twelfth street, and the remaining one-third shall be paid out of the treasury of the city.

Width of Michigan avenue.

Illinois Central
Railroad and
Michigan Ave-
nue.

§ 43. No encroachment shall be made upon the land or water, west of a line mentioned in the second section of an ordinance concerning the Illinois Central Railroad, (which line is "not less than four hundred feet east from the west line of Michigan avenue, and parallel thereto,") by any railroad company, nor shall any cars, locomotives, engines, machines or other things belonging to any railroad or transportation company be permitted to occupy the same, nor shall any cars or machinery be left standing upon said track fronting any part of Michigan avenue south of Madison street, nor shall the city council ever allow any encroachments west of the line above described. And any person being the owner of, or interested in any lot or part of a lot fronting on Michigan avenue, shall have the right to enjoin said company and all other persons and corporations from any violations of the provisions of this section, or of said ordinance, and by bill or petition in chancery in his or their own name, or otherwise, enforce the provisions of said ordinance, and of this section, and recover such damages for any such encroachment or violation, as the court shall deem just; the State of Illinois by its canal commissioners having declared that the public ground east of said lots should forever remain open and vacant, neither the common council of the city of Chicago, nor any other authority shall ever have the power to permit encroachments thereon without the assent of all the persons owning lots or land on said street or avenue.

Repeal of prior
laws concerning
assessments.

§ 44. All provisions of former acts relating to the levying of special assessments in the city of Chicago are hereby repealed: *Provided, however,* that the city shall have the right to continue and complete all proceedings commenced under any former law or ordinance, and shall have and enjoy all the rights accrued or to accrue thereunder, the same as if said provisions remained in full force and effect.

CHAPTER VIII.

OF TAXATION.

§ 1. The common council shall have power, within the city, by ordinance:

Tax for general
city expenses.

First. To annually levy and collect taxes, not exceeding four and a half mills on the dollar, on the assessed value of all real and personal estate, in the city, made taxable by the laws of this State, to defray the contingent and other expenses of the city, not herein otherwise specially provided for, which taxes shall constitute the general fund.

School tax.

Second. To annually levy and collect a school tax, not exceeding two mills on the dollar, on all taxable real and personal estate, to meet the expenses of purchasing grounds

for school houses, and building and repairing school houses, and supporting and maintaining schools.

Third. To annually levy and collect a tax, not exceeding two mills on the dollar, on all taxable real and personal estate, for the police expenses of said city. Police tax.

Fourth. To annually levy and collect a tax, not exceeding one mill on the dollar, on all taxable real and personal estate, for the support of the reform school. Reform tax. school

Fifth. To annually levy and collect a tax, not exceeding two mills on the dollar, on all taxable real and personal estate, to defray the expense of lighting the streets in said city. Tax for lighting city.

Sixth. To annually levy and collect a tax of sufficient amount, on all taxable real and personal estate, to pay the interest accruing on the sewerage debt, and provide a sinking fund for the liquidation of said debt, and to maintain the sewerage works and keep the same in repair. Tax for sewerage debt.

Seventh. To annually levy and collect a tax of sufficient amount on all taxable real and personal estate, to meet the interest accruing on the general bonded debt of said city, and also to provide for the interest accruing upon the water loan bonds, in case the revenue from the water works should be insufficient to pay the same. Tax for interest on city debt.

Eighth. To annually levy and collect a tax, not exceeding two and a half mills on the dollar, on all taxable real and personal estate, when required, for the erection of a city hall, markets, bridewell or house of correction, or other public buildings, the purchase of grounds therefor, or for public squares or parks, the building of bridges, improvement of the river and harbor, or any other permanent improvement: *Provided*, that no tax shall be levied under this clause, unless a majority of all the aldermen elected shall vote in favor of the same. Tax for erection of public buildings.

Ninth. To annually levy and collect a tax of sufficient amount, on all taxable real and personal estate, when required, to pay any debt that may have been contracted for money borrowed, during the preceding year, to provide for the expense incurred in making any public improvement caused by any casualty or accident happening after the making of the annual appropriation for such year, or to pay any judgment that may have been recovered against the city and paid during such previous year. Tax for payment of debts contracted.

§ 2. The common council shall also annually levy and collect a tax of one mill on the dollar on all real and personal estate in said city, made taxable by the laws of this State, to provide a sinking fund for the liquidation of the general bonded debt of said city, which amount shall be invested in the purchase of the bonds of said city, if they can be purchased upon satisfactory terms. All city bonds so purchased shall be immediately retired and canceled. Sinking fund

Road labor.

§ 3. The provision heretofore in force, requiring every male resident of the city, over the age of twenty-one years, and under the age of sixty years, to labor three days in each year upon the streets and alleys, or to commute therefor at the rate of fifty cents for each day's labor, is hereby abolished.

Taxation on improvements.

§ 4. All improvements on any school or canal lands or lots, and all improvements on the wharfing privileges in said city, together with the interest of the lessees or occupants in the premises, whether by lease, covenant, or deed, shall be subject to taxation, as real estate. And the personal property of the owner of such improvements, shall be liable for such taxes, and upon a failure to pay the same, the collector may levy upon and sell the goods and chattels of such occupant, or lessee, for the payment thereof and costs. And in case such lessee or occupant shall have no personal estate, and neglect to pay the taxes, the interest of such lessee or occupant in such premises, together with the improvements, may be sold as real estate: *Provided*, the purchaser shall acquire no greater rights in the land than the tenant or occupant thereof had, but shall take the same subject to all the covenants and agreements in relation thereto.

Tax upon insurance companies.

§ 5. All corporations, companies or associations, not incorporated under the laws of this State, engaged in said city in effecting fire, marine, or life insurance, shall pay to the city treasurer the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums, which, during the half year ending on every first day of July and January, shall have been received or have been agreed to be paid for any insurance effected or agreed to be effected in said city, by or with such corporations, companies or associations respectively. Every person who shall act in said city as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January in each year, render to the city comptroller a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him or any other person for him, or shall have been agreed to be paid, for or in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire, marine, and life insurance respectively. Said agents shall also pay over to the city treasurer at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company

or association so in default, to transact any business of insurance in said city, until the said requisitions shall have been fully complied with: but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars, or imprisoned not exceeding six months or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of said city as for money had and received for its use.

§ 6. The comptroller shall keep three separate accounts of the moneys received from said insurance agents, one of which shall embrace all rates collected on premiums for fire insurance, the second all rates collected on premiums for marine insurance, and the third all rates collected on premiums for life insurance. The fire insurance rates shall be used only for the purpose of promoting the efficiency of the fire department of said city, and providing a fund for the relief of disabled firemen; the marine insurance rates shall be exclusively appropriated to the improvement of the river and harbor; and the life insurance rates to such sanitary measures as may be deemed necessary for the promotion of the public health.

Comptroller's accounts with insurance agents.

§ 7. Sections six, seven, eight and nine, of an act approved June 21st, 1852, and entitled "An act to incorporate the Firemen's Benevolent Association and for other purposes," and all other acts and parts of acts, so far as they require any individual, association or corporation engaged in the business of insurance, or any agent thereof, to pay any money to said firemen's benevolent association upon their business profits or premiums, are hereby repealed.

Firemen's benevolent association.

CHAPTER IX.

COLLECTION OF TAXES AND ASSESSMENTS.

§ 1. The assessors shall, immediately after their appointment in each year, proceed to examine and determine the valuation of the taxable real and personal estate in their respective divisions. Schedules of all the taxable real estate in the several divisions shall be furnished by the city clerk, to aid them in the performance of their duties, upon which they shall enter their valuations. Said appraisal, together with their appraisal of all the personal estate taxable in said city, shall be completed and filed in the office of the city clerk, on or before the first Monday of August in each year, unless further time shall be granted by the com-

Schedules.

mon council; and when so completed and filed, the said assessors shall fix upon a day for hearing objections thereto, and the city clerk shall give notice of the time and place of such hearing, by six days' publication thereof in the corporation newspaper. Any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections.

Objections to assessment.

§ 2. The said assessors shall meet at the time and place designated, to revise and correct their assessments. They shall hear and consider all objections which may be made, and shall have power to supply omissions in their assessment, and for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same. The said assessors may, if necessary, adjourn from time to time, until their revision shall have been completed.

Clerk's list and record.

§ 3. When said revision shall have been completed, the city clerk shall enter, under the direction of said assessors, in one or more books to be prepared for that purpose, a complete list of all the taxable real estate in said city, according to the schedules as returned and revised by the assessors, showing in a proper column, to be ruled for that purpose, the names of the different owners, so far as known to the said assessors, and in another column the amount of the valuation made in each case. Said books shall also have ruled therein an appropriate column for extending or inserting the amount of the taxes which may be levied upon said property. Said book or books shall together constitute the tax list of real estate for such year. The city clerk shall also enter, under the direction of said assessors, in another book, to be prepared for that purpose, a complete list of the taxable personal estate in said city, as returned and revised by said assessors, showing in the proper column the names of the different persons whose property has been assessed, and in other columns the valuations made by the assessors. Said book shall also have ruled therein an appropriate column for extending or inserting the amount of the taxes which may be levied thereon. Said book shall constitute the personal tax list for such year. The clerk shall add up the valuations in each list, and the aggregate amount thereof shall be entered by him at the foot of the appropriate column on the last page. When the said tax lists shall have been so completed, they shall be signed by the said assessors and left in the custody of the city clerk, and shall constitute the only record to be referred to in any case in which their said assessments may be drawn in question.

Levy by the council.

§ 4. The common council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied (not exceeding the authorized percentage,) particularly specifying the purpose for which the same are levied.

§ 5. It shall be the duty of the city clerk to estimate the several taxes levied by the common council, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of the several tax lists, opposite to the person or property chargeable therewith. When completed the city clerk shall attach to each of said tax lists a warrant, under the corporate seal, to be signed by the mayor, comptroller, and city clerk, directed to the collector, commanding him to make, levy and collect, as the taxes for such year, the several sums of money set opposite to the real and personal estate of persons in said tax lists mentioned or described, of the goods and chattels of the respective owners of such real and personal estate; which warrants shall also designate the names and rates of the several taxes included therein.

Clerk's warrant
to the collector.

§ 6. Said tax lists, with the warrants attached, shall be delivered to the collector by the comptroller, on or before the last day of October in each year, and shall constitute the only process necessary to be issued for the collection of the annual taxes. The comptroller shall take a receipt from the collector for the said tax lists, specifying the amount of the taxes levied in each list.

Process for col-
lection.

§ 7. When any special assessment shall have been confirmed by the common council, and no right of appeal therefrom is given by this act, it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the corporate seal and signed by the mayor, comptroller, and city clerk, and shall contain a copy of the assessment roll as confirmed by the common council, or so much thereof as describes the real estate assessed and the amount of the assessment in each case. If the right of appeal from the order of confirmation should exist in any case, said warrant shall not be issued until the expiration of the time limited for the taking of such appeal; and if in any case an appeal should be actually taken, the issuing of the warrant shall be delayed until after the determination of such appeal.

§ 8. All warrants issued for the collection of special assessments, shall be delivered by the comptroller to the collector, taking his receipt therefor in the manner prescribed in the case of warrants for the collection of the annual taxes.

Warrants for spe-
cial assessments

§ 9. Upon the receipt of any warrant for the collection of the annual taxes, or any special assessment, the collector shall forthwith give notice, by ten days' publication in the corporation newspaper, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such taxes or assessments. Immediately after receiving the

Notice of taxes
due, and pay-
ment thereof.

personal property tax list, he shall notify all persons through the post office of the amount of their personal property tax. Publication in newspaper. In the notice to be published in the corporation newspaper he shall notify all parties interested that after the expiration of sixty days from the day of receiving said list, he will levy upon the personal property of all who shall have failed to pay; and, at the end of sixty days, he shall so levy, if property belonging to such delinquent persons can be found; and he shall be liable for the amount of their tax in case of neglecting to do so. Where persons cannot be found, or property belonging to them, out of which to make the tax, the collector shall advertise their names and call for information concerning them and their property, and state the amount of their tax in the corporation newspaper; and this tax shall be a lien upon any property they may have or may thereafter acquire, until paid; and the collector, or his successor in office, may at any time thereafter levy for the same. But nothing in this section contained shall be so construed as to prevent the collector from levying at any time after the publication of the ten days' notice above required.

Taxes to be lien. § 10. All taxes levied by the common council under this act, shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said taxes are paid. Every person owning real property on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year. The city taxes shall also be a lien on the personal property of all persons owing taxes, from and after the delivery of the warrant for the collection thereof to the collector; and no sale or transfer of said property shall affect the lien, but the said property may be seized by the collector wherever found, and removed, if necessary, and sold to discharge the taxes of the person owing the same; and the same proceedings may be resorted to by the collector upon any warrant issued for the collection of a special assessment.

Collection damages. of § 11. If, from any cause, the taxes charged in the real estate tax list shall not be collected or paid on the lands or lots described therein, on or before the first day of January ensuing the date of the warrant, it shall be the duty of the collector to demand and collect, for the use of said city, in addition to the taxes remaining unpaid, five per cent. damages thereon in every case; and if the assessments charged in any special assessment warrant shall not be paid within sixty days after the first publication of notice by the collector that he has received such warrant for collection, the assessments then remaining unpaid shall be collected with damages at the rate of one per cent. thereon for each and every month thereafter until the same shall be paid.

Collector's report of taxes unpaid and judgments. § 12. It shall be the duty of the collector, between the fifteenth day of January and the last day of February in

each year, to make report, to some court of general jurisdiction held in said city, at any special or general term thereof, of all the taxes and assessments then remaining unpaid upon the real estate tax list, and all special assessment warrants which were delivered to him on or before the last day of the preceding October, asking for judgment against the several lots and parcels of land, or other property described in such list or warrants, for the amount of taxes, assessments, damages and costs respectively due thereon. The collector shall give notice, by six days' publication thereof in the corporation newspaper, of his intended application for judgment, which shall briefly specify the nature of the respective warrants upon which such application is to be made, and request all persons interested to attend at such term. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid intended application by the collector to such court for judgment, and shall be held a sufficient demand and refusal to pay the said taxes and assessments.

§ 13. The collector shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with a certificate of the due publication thereof, from the printer or publisher of the newspaper in which the same was published, and shall file the same with the clerk of such court at the said term, with said reports. Advertisement.

§ 14. The clerk of said court upon the filing of such reports by the collector, shall receive and preserve the same, and shall record thereon all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate suit, and shall be docketed by the clerk in the following form as nearly as may be, to-wit: Suits in court.

CITY OF CHICAGO, vs. ——— AND OTHERS.	}	<i>Suit for Taxes.</i>
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Or if it be an assessment for some specified improvement, in the manner following:

CITY OF CHICAGO, vs. ——— AND OTHERS.	}	<i>Suit for Assessment on warrant for—</i>
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Or in such other manner as will sufficiently indicate the nature of the improvement for which the assessment is due.

§ 15. It shall be the duty of the court, upon the filing of said reports to proceed immediately to the hearing of the same, and they shall have priority over all other causes pending in said court. The said court shall pronounce judgment against the several lots and parcels of land or other property described in said reports, for which no objections shall be filed, for the amount of the tax or assessment, damages and Judgment of the court.

costs due severally thereon. The owner of any property described in said reports, or any person beneficially interested therein, may appear at said court, at the time designated in the collector's notice, and file objections in writing to the recovery of judgment against such property; but no objection shall be sustained founded on any mere formal irregularity or defect. The court shall hear and determine all objections in a summary way, without pleadings, and shall dispose of the same with as little delay as possible, consistently with the demands of public justice. But should justice require that for any cause the suit as to one or more owners should be delayed for more than twenty days, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof, the same as in all other cases.

Judgment by default and sale of property.

§ 16. In all cases where judgment shall be rendered by default against the property described in said reports, the court shall thereupon direct said clerk to make out and enter an order for the sale of the same, which said order shall be substantially in the following form:

"WHEREAS due notice has been given of the intended application for a judgment against said lands and other property, and no owner hath appeared to make defense or show cause why judgment should not be entered against the said lands and other property for the taxes, (or assessment, as the case may be,) damages and costs due and unpaid thereon; therefore, it is considered by the court, that judgment be and is hereby entered against the aforesaid lots and parcels of land and other property, in favor of the city of Chicago, for the sum annexed to each lot or parcel of land or other property, being the amount of the taxes, (or assessment,) damages and costs, due severally thereon; and it is ordered by the court that the said several lots and parcels of land or other property, or so much thereof as shall be sufficient, of each of them, to satisfy the amount of the taxes, (or assessment,) damages and costs annexed to them severally, be sold as the law directs."

In all cases where a defense shall be interposed, and judgment shall be rendered against the property, a similar order, adapted to the circumstances of the case, shall be made out and entered of record. Ten cents costs shall be taxed to each lot against which judgment is rendered; five cents to be for clerks' and judges' fees, and five cents for advertising the notice of sale.

§ 17. It shall be the duty of the clerk of such court, within twenty days after such order is granted as aforesaid, to make out under the seal of said court a copy of so much of said collector's report in such case as gives a description of the land or other property against which judgment shall have been rendered, and the amount of such judgment, together

with the order of the court thereon, which shall constitute the process on which all lands, lots, sub-lots, pieces and parcels of land or other property, shall be sold for the amount of any taxes, assessments, damages and costs so levied, assessed or charged upon them; and the said city collector is hereby expressly authorized and empowered to make sale of such lands, lots, pieces, or parcels of land, or other property, upon ten days' notice, to be published at least three times in some newspaper printed in said city.

§ 18. The said advertisement so to be published in each case of a judgment upon any special or general collection warrant and report as aforesaid, shall contain a list of the delinquent lots and parcels of land or other property to be sold, the names of the owners if known, the amount of the judgments rendered thereon respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale at a time and place to be named in said advertisement by said collector. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale, if the property be otherwise described with sufficient certainty. The proceedings may be stopped at any time upon payment of said judgment to the collector.

List of delinquent
lots and lands.

§ 19. In all proceedings and advertisements for the collection of such taxes and assessments, and the sale of lands therefor, letters and figures may be used to denote lots, sub-lots, lands and blocks, sections, townships, ranges, and parts thereof, the year and the amounts.

§ 20. The sale shall be made for the smallest portion of ground, (to be taken from the east side of the premises,) for which any person will take the same and pay the amount of the judgment thereon. Certificates of sale shall be made and subscribed by the collector, which shall be delivered to the purchaser, which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the tax or assessment, with the amount of the judgment for which the same was sold, and the time when the right to redeem will expire. The collector shall continue such sale from day to day, until all the lots or parcels of land or other property contained in his precept, on which judgment remains unpaid, shall be sold or offered for sale.

Manner of making sale.

§ 21. The person purchasing any lot or parcel of land or other property, shall forthwith pay to the collector the amount of the judgment due thereon, and on failure so to do, the said property shall be again offered for sale in the same manner as if no such sale had been made; and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any parcel of land, or other property, the same shall be struck off to the city; and

Sale of property
to the city.

thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

Record of sales.

§ 22. The collector shall make return of his precept to the court from which the same was issued. A record of all sales made by the collector shall be kept in the office of the comptroller, which shall be open to public inspection at all reasonable times; and said record, or copies thereof certified by said comptroller, shall be deemed sufficient evidence to prove the sale of any land or other property for taxes or assessments, or any other fact authorized to be recorded therein.

Right of redemption.

§ 23. The right of redemption in all cases of sales for taxes or assessments, shall exist to the owner, his heirs, creditors, or assigns, to the same extent as is allowed by law in the case of sales of real estate for taxes, on the payment, in lawful money of the United States, of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest at the rate of ten per cent. per annum. If the real estate of any infant, *femme covert*, or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability shall be removed. Redemption shall be made by the payment of the amount of redemption money to the treasurer and taking his voucher therefor, and filing the same in the office of said comptroller, who shall thereupon note the fact of said redemption upon his record of sales; or, any person holding a certificate of sale may surrender the same to the comptroller to be canceled, and the fact shall in like manner be noted upon said record. Upon the return of the certificate, or proof of its loss, and the filing with the comptroller of the affidavit required by the constitution of this State, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assignee, under the corporate seal, signed by the mayor, comptroller and clerk, conveying to such purchaser or assignee the premises so sold and unredeemed, as aforesaid. A memorandum of all deeds so made and delivered shall be entered by the comptroller in the book wherein tax sales are recorded; and a fee of one dollar may be charged by the comptroller for every deed so issued.

Assignment of purchase.

§ 24. Such certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

§ 25. Whenever it shall appear to the satisfaction of the comptroller, before the execution of a deed for any property sold for taxes, that such property was not subject to taxation, or that the taxes had been paid previous to the sale, he shall make an entry opposite to such property on his record of sales, that the same was sold in error, and such entry

shall be evidence of the fact therein stated; and this provision shall apply, so far as the same is applicable, to all sales for special assessments.

§ 26. . All deeds made to purchasers, of lots, lands or other property sold for taxes or assessments, shall be *prima facie* evidence, in all controversies, and suits, in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, of the following facts:

Deeds to be evidence of sale, taxation, etc.

First. That the land or lot conveyed, was subject to taxation or assessment, at the time the same was advertised for sale, and had been listed and assessed, in the time and manner required by law.

Second. That the taxes or assessments were not paid at any time before the sale.

Third. That the land or lot conveyed, had not been redeemed from the sale at the date of the deed; and shall be conclusive evidence of the following facts:

First. That the land or lot was advertised for sale, in the manner and for the length of time required by law.

Second. That the land or lot was sold for taxes or assessments, as stated in the deed.

Third. That the grantee, in the deed, was the purchaser.

Fourth. That the sale was conducted in the manner required by law. And in all controversies, and suits, involving the title to the lot or land claimed and held under and by virtue of such deed, the person or persons claiming title, adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to taxation, at the date of the sale; that the taxes or assessments had been paid; that the land or lot had never been listed and assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act; and that such redemption was made for the use and benefit of the persons having the right of redemption, under the laws of this State; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she, or they, or the person under whom he, she, or they claim title, had title to the land or lot at the time of the sale, or that the title was obtained from the United States, or this State, after the sale, and that all taxes due upon the lot or land, have been paid, by such persons, or the person under whom he claims title as aforesaid; and no deed of land or other property sold for the non-payment of taxes or assessments, shall be questioned in any suit or controversy, unless the person wishing to contest the same, shall have tendered or deposited the amount of the redemption money and interest, as now provided by the laws of this State, in case of sales of real estate for taxes.

Suits involving title.

§ 27. Any change made in the incumbent of the office of the collector during the pendency of any such proceed-

ings, shall not operate to affect or delay the same, but the successor or successors in office of such collector shall be authorized to do all acts necessary to complete such proceedings the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office, the proceedings shall be prosecuted by the comptroller until such vacancy is filled by election or otherwise.

§ 28. All sales of property for the non-payment of taxes and assessments, for any improvement of what kind soever, shall be held at the same time with the general sale of property for non-payment of city taxes in each year, unless in particular cases said sale is stayed or delayed by examination or process of law; the intent hereof being that there shall be but one general collection by sale, of all taxes and assessments whatsoever in each and every year; which sale shall take place in the manner hereinbefore provided and at the same time in each year: *Provided*, That in all cases where judgment shall be delayed in consequence of any appeal, or the delay of any court, in rendering its decision, such sales may be made at any time after final judgment shall have been rendered, upon notice to be given as in other cases.

§ 29. Any assessor, collector, or other officer; who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him by this chapter, or who shall consent to, or connive at, any evasion of its provisions, whereby any proceeding required by this chapter shall be prevented or hindered, shall, for every such neglect or refusal, be liable to said city, individually and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal, to be recovered in an action of debt, in any court having jurisdiction of the amount thereof.

§ 30. No assessment of property, or charge for taxes or assessments thereon, shall be considered illegal on account of any irregularity or informality in the tax lists or assessment rolls, or on account of the assessment rolls or tax list not being made, completed, or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name, or in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers entrusted with the levying and collection of taxes or special assessments, not affecting the substantial justice of the tax or assessment itself, shall vitiate or in any way affect the tax or assessment.

§ 31. If any purchaser of lands, lots, or other property, sold for city taxes or assessments, shall suffer the same to be again sold for like taxes or assessments, before the expiration of two years from the date of his or her purchase, such purchaser shall not be entitled to a deed for the property until the expiration of two years from the date of the

Vacancy in collector's office.

Time of holding sales.

Penalty for official negligence.

Irregular sales.

Second sale of land for taxes.

second sale ; during which time the land, lot, or other property shall be subject to redemption, and the person redeeming shall only be required to pay for the use of the purchaser at the first sale, the amount paid for the property, and double the amount paid by the second purchaser, for his use, as in other cases.

CHAPTER X.

THE POLICE DEPARTMENT.

§ 1. There is hereby established an executive department of the municipal government of said city, to be known as the board of police. Said board shall consist of three commissioners, in addition to the mayor, who shall be *ex officio* a member thereof, to be chosen in the manner hereinbefore prescribed ; and a majority of said board shall constitute a quorum for the transaction of business.

Board of police
commissioners.

§ 2. The said board shall appoint one of their own number to act as president, and some other person to act as secretary ; and the secretary shall receive such annual salary as may be determined upon by the board of police.

§ 3. Before entering on the duties of their office said commissioners shall take an oath to obey the constitution and laws of this State, and faithfully to perform the duties of their said office, the certificate of which oath shall be filed in the office of the city clerk. Each of said commissioners, before entering on the duties of his office, shall also give a bond to said city in the sum of twenty-five thousand dollars, with sureties to the satisfaction of the judge of the circuit court of Cook county, conditioned for the faithful discharge and performance of his duties as such commissioner ; and that he will well and truly account for and pay over any and all moneys, and surrender any and all property, books, and papers, which may come into his hands as such commissioner, on the expiration or other termination of his term of office.

Oath.

§ 4. Said board shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the police organization, government, appointments, and discipline within said city. It shall have the custody and control of all public property, books, records and equipments belonging to the police department, and shall have power to erect and maintain, under the general laws of the State relating to telegraph lines, all such lines of telegraph in such places within the said city, as for purposes of police, the board shall deem necessary, whenever the common council shall authorize the establishment of such telegraph line or lines.

Powers.

Duties.

§ 5. It shall be the duty of the board of police hereby constituted, at all times of the day and night within the boundaries of the said city of Chicago, to preserve the public peace, to prevent crime and arrest offenders, to protect rights of person and property, to guard the public health, to preserve order, to remove nuisances existing in public streets, roads, places and highways, to provide a proper police force at every fire, in order that thereby the firemen and property may be protected, to protect strangers and travelers at steamboat and ship landings, and railway stations, and to obey and enforce all ordinances of the common council within the city which are applicable to police or health. Whenever any crime shall be committed in said city, or within the county of Cook, and the person or persons accused or suspected of being guilty shall flee from justice, the said board of police may, in their discretion, authorize any person or persons to pursue and arrest such accused or suspected person or persons, and return them to the proper criminal court, having jurisdiction of the offense, for trial.

Regulations.

§ 6. The duties of the police force shall be executed under the direction and control of said board, and according to rules and regulations which it is hereby authorized to pass from time to time, for the more proper government and discipline of its subordinate officers and the police force of said city. The said police force shall consist of a superintendent of police, three captains of police, six sergeants, ninety police patrolmen, and as many more police patrolmen, sergeants and deputy superintendents as may be authorized by the common council on the application of the board. The said offices hereby created shall be severally filled by appointment in the mode prescribed by this act, and each person so appointed shall hold office only during such time as he shall faithfully observe and execute all the rules and regulations of the said board, the laws of the State, and the ordinances of the city.

Qualifications of
superintendent
and policemen.

§ 7. The qualifications, enumeration and distribution of duties, mode of trial and removal from office, of each officer of said police force, shall be particularly defined and prescribed by rules and regulations of the board of police: *Provided, however*, that no person shall be appointed to or hold the office of superintendent of police without the advice and consent of the common council to every such appointment; nor shall any person be appointed to or hold office in the police force aforesaid, who is not a citizen of the United States, or who shall not have resided within the State of Illinois two years next preceding his appointment, or who shall ever have been convicted of crime: *And provided*, that no person shall be removed therefrom except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of

being heard in his defense; but the board of police shall have power to suspend any member of the police department of the city pending the hearing of the charges preferred against him: *And provided*, that whenever any vacancy shall occur in the office of captain of police, the same shall be filled by an appointment from among the persons then in office, as sergeants of police, and a like vacancy in the office of sergeant of police shall be filled by appointment from among the persons then in office, as police patrolmen.

§ 8. The police commissioners shall receive such annual salaries as may be fixed upon and allowed by the common council, and no other compensation shall be paid or allowed. The superintendent of police shall receive a salary of fifteen hundred dollars per annum. Each captain shall receive a salary of seven hundred dollars per annum, and each sergeant a salary of six hundred and fifty dollars. The pay of each police patrolman shall be at the rate of not less than four hundred and eighty nor more than six hundred dollars per annum. The salaries shall be paid monthly to each person entitled thereto. No member of the board of police or of the police force shall receive or share in, for his own benefit, under any pretense whatsoever, any present, fee, gift or emolument for public service, other than the regular salary and pay provided by this section, except by the unanimous consent of the board of police; nor shall any such member receive or share in any fee, gift or reward, from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate; or any fee, gift or reward, in any case, from any attorney at law, who may prosecute or defend any person arrested or prosecuted for any offense within the county of Cook; nor shall any such member either directly or indirectly interest himself or interfere in any manner whatever in the employment or retainer of any attorney, to aid in the defense of persons arrested or accused; and for any violation of either of the foregoing provisions, the officer so offending shall be immediately removed from office.

Commissioners' and policemen's salaries.

§ 9. Any citizen of Chicago, with a view to the trial and suspension, or removal from office, of any officer or policeman of the police, may, on oath, in writing, prefer or make, before the board, charges or complaint touching the character and competency, or affecting the acts, conduct or omissions of such officer or policeman, or for violation of, or misconduct as defined and prescribed by the rules and regulations of the board, and said board, after reasonable notice, not exceeding ten days, to the person charged, shall proceed to the trial of said officer or policeman on such charges or complaint, and shall have power to and shall issue subpoenas tested in the name of the president of the board, to

Mode of removing from office.

compel the attendance of witnesses, to administer oaths and affirmations, and generally shall, for the purpose of such trial, have and exercise the powers and duties of justices of the peace in civil cases so far as the same are applicable, and may make an order of removal or suspension for some certain period. The party complaining or person charged, feeling aggrieved by any such order, may at once, on giving bond to the president of the board, with security to be approved by him or the board, conditioned for the payment of accrued and accruing costs, appeal from the order or finding of the board, to any court of record in Cook county, (except the county court,) which said court shall proceed to the trial of said complaint as speedily as may be, and in preference to other cases, and make such final order in the case as equity and justice shall require; and said order shall be final and conclusive without further appeal. If, on such trial, said charges or complaints shall be sustained, such officer or policeman shall pay the costs of such proceeding and the same may be deducted and withheld from his pay, and in case of his suspension his pay shall also cease from the date of the charge and during the period of suspension. If such complaint shall be dismissed, or not sustained, then the person making the same shall pay all costs. In trials under this section the same costs shall be charged and taxed as in trials before justices and be collected on execution, as the case may be, from the court, or on execution to be issued by any justice of the peace, on certificate of the same by the board, and order for execution, said costs when collected to be paid to the treasurer of the board for the benefit of those concerned. But the said board shall not tax or receive any fees for themselves or for any member thereof.

§ 10. All rewards, fees, proceeds of gifts or emoluments, that may be allowed by the board of police to be paid and given for or on account of extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods, shall be paid into the city treasury and shall constitute a fund to be called the "Police Life and Health Insurance Fund;" and the persons who shall from time to time fill the office of president of the board of police and that of the comptroller of the city of Chicago, are hereby declared the trustees of the said fund, and may invest the same as they shall see fit, either in whole or in part.

§ 11. Whenever any member of the police force, in actual performance of his duty, and in consequence of the performance of such duty, shall become bodily disabled, his necessary expenses during the time his disability as aforesaid continues, may become a charge upon the fund provided for in the preceding section, at the discretion of said board of police. The board shall inquire into the circumstances, and if satisfied the charge upon the said fund is correct, may order the same to be paid by the draft of the

Preferring
charges.

of

Extraordinary
service and pay.

Provisions in case
of disability.

said trustees upon the said fund, each writing his signature thereto. But the provisions of this section shall not apply to special patrolmen appointed as hereinafter provided, at the request and expense of private parties.

§ 12. The members of the police force of the said city of Chicago shall possess in every part of the county of Cook, all the common law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest by any magistrate of the State of Illinois, may be executed in any part of the county of Cook, by any member of the police force of the said city of Chicago, without any backing or endorsement of the said warrant, and according to the terms thereof. The superintendent, deputy superintendent, or any captain of police having just cause to suspect that any felony has been, or is being, or is about to be committed within any building, or on board of any ship, boat or vessel within the said city of Chicago or county of Cook, may enter the same at all hours of the day or night to take all necessary measures for the effectual prevention or detection of all felonies, and may take then and there into custody, all persons suspected of being concerned in such felonies, and also may, take charge of all property which he or they shall have then and there just cause to suspect has been stolen. The members of said police force may also serve or execute any process, civil or criminal, issued by the police court of said city, or either of the justices thereof.

Legal powers of
police in Cook
county.

§ 13. If the superintendent of police shall report in writing to the board of police that there are good grounds for believing any house or room within the said city of Chicago is kept or used as a common gaming house or cock pit, and if two or more householders dwelling within the said city, and not belonging to the police force, shall make oath in writing before any one of the commissioners of police, to be annexed to said report, (which oath every commissioner of police is hereby empowered to administer, receive and subscribe), that the premises complained of by the superinientent are commonly reported, and are believed by the deponents to be kept as a common gaming house or cock pit, it shall be lawful for any commissioner of police, by order in writing, to authorize the superintendent, or the deputy superintendent of police to enter upon such premises, taking with him or them, such members of the patrol force as shall be necessary, and if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and the said superintendent shall be authorized to take into custody all persons who shall be found therein, and to destroy all implements of gaming found therein, and shall forthwith convey the person or persons found therein before one of the police justices in said city, who shall forthwith proceed to hear the proof, and if there be probable cause for believing that such person or

Entering of hous-
es and arrest of
persons charged
with gaming, etc

persons have been guilty of any crime or misdemeanor, then the said magistrate shall forthwith order such person or persons to find good bail, with two householders of said city of Chicago, as his or their sureties conditioned for his or their appearance at the proper criminal court to answer any indictment which may be found, and in default thereof such magistrate shall commit such person or persons to the county jail.

Captains of police and sergeants.

§ 14. It is hereby made the duty of the board of police, for more effectually distributing and enforcing its police government and discipline, to divide the said city of Chicago into precincts without regard to ward boundaries, and to assign captains of police and sergeants of police to each of said precincts, as they shall deem for the best interest of said city. The board may from time to time establish a station or sub-station in each precinct or division, for the accommodation of the police force on duty therein. It shall promulgate all regulations and orders through the superintendent of police, and it shall be the duty of the police force to respect and obey the said superintendent as the head and chief of the same, subject to the rules and regulations and general orders of the board.

Special police-men.

§ 15. The said board of police is hereby authorized to appoint persons of suitable character, who may be in the employment of the city in other branches or departments, special policemen: *Provided*, such special policemen shall not be paid for their services as policemen out of the city treasury. Such policemen shall possess the same power as the regular police patrolmen, and shall obey the rules and regulations of the board, and conform to its general discipline.

Extra police.

§ 16. The board of police whenever it may see fit, shall, on the application of any person or persons showing the necessity thereof, appoint and swear any number of additional patrolmen to do duty at any place within the city of Chicago, at the charge and expense of the person or persons to whom the application shall be made, and the patrolmen so appointed shall be subject to the orders of the board of police, and shall obey the rules and regulations of the board, and conform to its general discipline and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges and duties of the patrol force herein prescribed. The persons so appointed may be removed at any time by the board of police, without assigning cause therefor. The board of police may also, upon any emergency or riot, pestilence, invasion, or during any day of public election or celebration, appoint as many special patrolmen from among the citizens of Chicago as it may deem advisable, and for a specified time, and during the term of service of any such

special patrolmen, they shall possess all the powers and privileges and perform all the duties of patrolmen of the standing police force of the city.

§ 17. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one week's notice thereof, in writing, to the superintendent of police; and no person who shall ever have been removed from the police force established by this act, for cause, shall be re-appointed by the board of police to any office in the said police force.

Notice required
before resigna-
tion.

§ 18. All stolen or other property taken by the members of the police force, shall be deposited and kept in a place and by a person to be designated by the board of police; and in case of the neglect or refusal of any officer to so deposit the property taken or found upon the possession of any person or persons arrested, he shall be subject to indictment, and be fined in a sum not exceeding three thousand dollars, and in no case less than the value of the property, and be imprisoned in the county jail not to exceed one year, and the sentence of the court, in such cases, *ipso facto*, shall vacate the office of the person so convicted. Every such article of property shall be entered in a book kept for the purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances and the date of its receipt, and the name of the officer recording the same. An inventory of all money or other property shall be given to the party from whom the same was taken; and in case the same shall not, within ten days after such arrest and seizure, be claimed by any other person or persons, it shall be delivered to the person from whom the same was taken, and to no other person, either attorney, agent, factor or clerk. In case said money or property shall, within said ten days, be claimed by any other person or persons, it shall be retained by said custodian, until after the discharge or conviction of the person from whom the same was taken; and if such claimant or claimants shall establish to the satisfaction of the committing magistrate, that he or they are the rightful owners, the same shall be restored to him or them, unless otherwise directed by the higher court; otherwise, it shall be returned to the accused personally, and not to any attorney, agent, factor or clerk of such accused person, after all liens or claims against the same have first been discharged or satisfied. The board of police shall also cause to be kept general complaint books, in which shall be entered every complaint, preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books for the registry of lost, missing or stolen property, for the general convenience of the public and of the police force of the

Custody of stolen
goods.

Register of stolen
property.

city. It shall also cause to be kept books of records wherein shall be entered the name of every member of the police force, with his time and place of nativity, the time and place when he became a citizen (if he was born out of the United States,) his age, his former occupation, number of family and the residence thereof, the date of appointment or dismissal from office, with the cause of the latter, and in every such record sufficient space shall be left against all such entries wherein to make record of the number of arrests made by such members of the police force or of any special services deemed meritorious by the captains of police. It shall also cause to be kept in proper books the accounts of the board, and a record of their proceedings; and they shall preserve and file copies of all bills audited and allowed, and keep an accurate account of all the expenses of the police department. The board of police shall also cause to be kept and bound, all police returns and reports.

Provision for station houses and accommodations

§ 19. It shall be the duty of the board of police to provide at the expense of said city, all necessary accommodations, within such precincts, as shall be contained within the boundaries of said city, for the station houses required by the board of police, for the accommodation of the police force of such precincts, for the lodging of vagrants and disorderly persons and for the temporary detention of persons arrested for offenses. It shall also be the duty of said board of police, to furnish the same suitably, and to warm and light the same by day and night; and in every case of arrest, the same shall be made known to the captain upon duty in the precinct wherein such arrest was made, by the person making the same, and it shall be the duty of the said captain as soon as practicable after such notice, to make written return thereof according to the rules and regulations of the board of police, together with the name of the party arrested, the offense, the place of arrest, and the place of detention. All persons arrested by the officers or members of the police force shall be detained, while in their custody, only in the place or places provided for that purpose; and no trial or examination of any person arrested shall be held in the office of the superintendent of the police or of the board. Necessary and usual articles of clothing or personal apparel on the person or in the possession of persons arrested and detained, shall not be taken or seized by the police, unless there be reason to suspect that the clothing has been stolen or obtained unlawfully. The board of police shall provide suitable accommodations within said city for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard

to the rules and regulations of the board of police in respect to their detention. Every person arrested by the police charged with the violation of any city ordinance shall be entitled to give special bail for his appearance to answer to such charge; but no member of the police force shall become or furnish bail for any person arrested.

§ 20. The necessary expenses incurred in the execution of criminal process, and the maintainance of the police department hereby created within the said city of Chicago shall be a city charge. The board of supervisors of Cook county assembled, may call upon the board of police to appoint, for duty within the said county, as many men as it shall enumerate and describe, upon appropriating to the police fund the necessary expenses and salaries to be incurred thereby. Any of the village or town authorities within the said county may also make such demand upon the board of police, upon making the like provisions of pay, and it shall be the duty of the board of police to appoint such officers, who shall thereafter become regular members of the police force of the city of Chicago, and subject to all the rules and regulations of the board, discharge the duties and possess powers and privileges as such members. The supervisors of the county of Cook are hereby authorized from time to time to levy and raise by tax upon the real and personal property taxable within said county, such sum or sums of money as may be required to carry into effect the provisions of this section or the police purposes of this act.

Expenses of the
police depart-
ment.

§ 21. It shall be the duty of the board of police to prepare and submit to the comptroller on or before the first day of May in every year, an estimate of the whole cost and expense of providing for and maintaining the police department of said city during the current fiscal year, which estimate shall be in detail, and shall be laid by the comptroller before the common council with his annual estimate. The common council may revise said estimate, and the aggregate amount of the sums required after such revision, shall be provided for in the general tax levy to be laid on said city. Said money, when collected, shall be paid into the city treasury and shall be styled the police fund, and shall be drawn out therefrom for police purposes, under the fiscal regulations established by this act.

Yearly estimate
of expenses.

§ 22. All moneys hereafter to be paid to any person or persons out of the police fund shall be certified by the president or acting president of the board of police to the comptroller, who shall draw his warrant on the treasurer therefor, stating therein the fund to which the same is chargeable and the person to whom payable; and such warrant shall be countersigned by the president, or in his absence by the acting president, of the board of police and the mayor.

The paying out of
moneys.

§ 23. No expense, other than salaries and pay herein provided, shall be incurred by the board of police, except

Expenses and ac-
counts.

for rents, stationery, printing, advertising, fuel and light, unless the same shall be expressly authorized, and provision therefor made, as a separate county or city charge by the board of supervisors for the county of Cook or the common council of the city of Chicago, within which the expenditure becomes necessary. The books and accounts kept by said board shall be at all times subject to the inspection of the mayor and comptroller; and the common council may at any time require any information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the police department.

Enforcement of
laws and preser-
vation of order.

§ 24. The board of police shall at all times cause the ordinances of the city to be properly enforced; and it shall be the duty of said board, at all times whenever consistent with the rules and regulations of the board, and with the requirements of this chapter, to furnish all information desired, and comply with all the requests made by the common council of said city, or by the mayor thereof, to quell riots, suppress insurrections, protect the property and preserve the public tranquillity. The board of police shall have the power to issue subpoenas tested in the name of its president, to compel before it the attendance of witnesses upon any proceeding authorized by its rules and regulations. Each commissioner of police, the superintendent of police, and the secretary of the board of police, are hereby given power to administer, take, receive and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized as aforesaid, or to any depositions necessary by the rules and regulations of the board. Any willful and corrupt false swearing by any witness or person making deposition before any of the officers last mentioned, to any material fact, in any necessary proceedings under the said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offense. The provisions of law now existing in respect to attachment of witnesses before justices of the peace, and to the compulsory attendance of the said witnesses, to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before the board of police.

Security and oath
of the officers
and police.

§ 25. The board of police shall require and make suitable provisions respecting security to be entered into by the superintendent and deputy superintendent of police and by the captains of police, and for the taking, by members of the police force, of an oath of office, and the registry of the certificate of the same in a book to be kept for that purpose by the board, which oath of office may be taken before any commissioner of police, who is hereby empowered to administer and receive the same.

Superintendent's
quarterly re-
port.

§ 26. The superintendent of police shall make to the board, quarterly reports, in writing, of the state of the

police force, with such statistics and suggestions as he may deem advisable for the improvement of the police government and discipline. The board of police shall, on or before the first Monday in April, in each year, report in writing the condition of the police within the said city, to the common council.

§ 27. No person holding office under this act shall be liable to military or jury duty or to arrest on civil process while actually on duty.

§ 28. It shall be a misdemeanor, punishable by imprisonment in the county jail, not less than one year nor exceeding two years, for any person without justifiable or excusable cause to use personal violence upon any elector in said city of Chicago while attending the polls upon any election day, or upon any member of the police force thereof when in the discharge of his duty; or for any such member to neglect making any arrest for an offense against the law of the State, committed in his presence, or for any person not a member of the police force to falsely represent himself as being such member with a fraudulent design.

Use of violence.

BOARD OF HEALTH.

§ 29. In addition to their other powers and duties, said board of police shall also perform the duties of a board of health; and shall make diligent inquiry with respect to all matters affecting the health of said city, and cause all nuisances which may exist, which they may deem obnoxious to the health and lives of its inhabitants, to be abated or removed at their discretion, under a penalty of not less than five nor more than five hundred dollars for every neglect or refusal of any person to comply with any order of said board.

Removal of nuisances obnoxious to health.

§ 30. It shall be lawful for said board to take such measures as they may from time to time deem necessary to prevent the spread of any pestilential or infectious disease; to see that suitable provisions are made for the accommodation of such sick persons as properly come under the care of the city, and to make daily, weekly or monthly reports of the mortality of the city, as they may think proper and expedient.

Spread of disease.

§ 31. Every person practicing physic in the city who shall have a patient laboring under any malignant or yellow fever, or other infectious or pestilential disease, shall forthwith make report thereof in writing to the secretary of said board; and for neglecting so to do, shall be considered guilty of a misdemeanor, and be liable to a fine of fifty dollars, to be sued for and recovered in an action of debt, in any court having cognizance thereof, with costs, for the use of said city.

Physicians to report cases.

§ 32. It shall be the duty of said board to detail some officer of the police force to visit and inspect all boats or vessels coming, or lying and being within the harbor of the

The inspection of boats.

city, which are suspected of having on board any pestilential or infectious disease, and all stores and buildings which are suspected to contain unsound provisions or damaged hides, or other articles, and to make report of the state of the same with all convenient speed, to the president of said board.

§ 33. All persons in said city, not resident thereof, who shall be infected with any pestilential or infectious disease, and all things which in the opinion of said board shall be infected by, or tainted with, pestilential matter, and ought to be removed, so as not to endanger the health of the city, shall, by order of said board be removed to some proper place, not exceeding fifteen miles beyond the city bounds, to be provided by the board at the expense of the person who may be removed, if able; and the board may order any furniture or wearing apparel to be destroyed whenever they may judge it to be necessary for the health of the city, by making just compensation.

§ 34. In case any boat or vessel shall come or be within the harbor or jurisdiction of the city and the said board shall believe that such boat or vessel is dangerous to the inhabitants of said city, in consequence of her bringing and spreading any pestilential or infectious disease among said inhabitants, or have just cause to suspect, or believe, that if said boat or vessel is suffered to remain within the harbor or jurisdiction aforesaid, it will be the cause of spreading among the said inhabitants any pestilential or infectious disease, it shall and may be lawful for the said board, by an order in writing, signed by the president for the time being, to order such boat or vessel to be forthwith removed to any distance, not exceeding fifteen miles beyond the bounds of said city, after the delivery of such order to the owner or consignee of said boat or vessel, to quarantine, under such regulations and for such time as the common council or said board may prescribe; and if the master, owner, or consignee, to whom such order shall be delivered, shall neglect or refuse to comply therewith, or if after such removal, such master, owner, or consignee, shall neglect or refuse to obey the regulation, which may be prescribed, the said president may enforce such removal or other regulations in such manner as the council may by ordinance direct; and such master, owner, or consignee, shall be considered guilty of a misdemeanor, and on conviction shall be fined a sum not exceeding two hundred and fifty dollars, and imprisoned not exceeding six months in the jail of Cook county, or in the city bridewell or house of correction, by any court having cognizance thereof. The said fine shall be paid into the treasury.

Removal of vessels bringing infectious diseases

General sanitary rules.

§ 35. The common council shall have power to prescribe other powers and duties to be exercised and performed by said board for sanitary purposes, and to punish by fine or

imprisonment, or both, any refusal or neglect to observe the orders and regulations of the board upon this subject. The members of the police force shall be authorized, under the direction of said board, to enter all houses and other places, private or public, and boats or other vessels, at all times, in the discharge of any duty under the sanitary provisions of this act.

§ 36. All acts and parts of acts inconsistent with the provisions of this chapter, are hereby repealed, together with all modes and qualifications of appointment to office, as members of the police department, or of elections to office therein, inconsistent with the provisions hereof.

CHAPTER XI.

THE POLICE COURT.

§ 1. The common council shall in the month of May next, after the commencement of the ensuing municipal year, and biennially thereafter, designate two or more justices of the peace in said city, who shall have exclusive jurisdiction as justices of the peace, for two years, or until their successors shall be appointed, in all actions for the recovery of any fine or penalty under the laws of said city, and all ordinances, by-laws or police regulations thereof. Should any vacancy occur it shall be filled by the common council, but the person so appointed shall serve for the unexpired term only.

City police justices.

§ 2. The said justices of the peace so designated shall be styled police justices, and shall hold a police court in said city. One of them shall hold a session of said police court daily (Sundays excepted), in such place as the said common council may provide and appoint, until the business before them or him is disposed of. Said justices shall have power to fine or imprison, or both, in their discretion, where discretion may be vested in them by the ordinance or regulation, or by this act.

Sessions of police court.

§ 3. Execution may be issued immediately on the rendition of judgment. If the defendant in any such action, have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Cook county, or bridewell, or house of correction, for a term not exceeding six months, in the discretion of the magistrate or court rendering judgment; and all persons who may be committed under this section, shall be confined one day for each fifty cents of such judgment and costs. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture, when collected, shall be paid to the treasurer for the use of the city.

Judgments and executions.

§ 4. Appeals and change of venue shall be allowed and may be taken from police justices, in all cases, in the same manner as before other justices of the peace.

§ 5. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws, or police regulations, made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare, generally, in debt for such penalty or forfeiture, stating the clause of this act or the by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Mode of prosecuting.

§ 6. In all prosecutions for any violation of any ordinance, by-law, police, or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

Remissions of fines.

§ 7. Neither the mayor or common council shall remit any fine or penalty imposed upon any person for the violation of the laws or ordinances of said city, unless two thirds of all the aldermen authorized to be elected, shall vote for such release or remission; but the mayor shall be authorized, in his discretion, to release from imprisonment any person committed to the bridewell or house of correction, or county jail, for a violation of the ordinances of said city, by virtue of the judgment of said police court.

Justices' salary.

§ 8. The said justices shall be compensated by a salary, to be fixed by the common council, for doing the business of said police court, in lieu of all other compensation or fees whatever, accruing from the business to be disposed of; and the said justices so designated shall not enter upon their duties nor be appointed to hold such court as justices of the peace aforesaid, unless they first sign and execute an express relinquishment in writing in favor of the city, of all other fees, emoluments, or compensation whatever, than what may be provided by a salary to be fixed as aforesaid by the common council, and such express relinquishment shall be filed in the comptroller's office; and all justices' fees and costs collected in all actions brought for said city, under the city charter, shall be paid into the city treasury as other revenue of the city.

Police court clerk

§ 9. There shall be elected by the people at the next municipal election, and biennially thereafter, one "police court clerk," who shall hold his office for two years and until his successor is elected and qualified. He shall take an oath, the same as other officers elected under this act, and shall execute a bond with sufficient security to the city, to be approved by the common council. He shall receive a fixed salary for his services, the amount thereof to be determined by the common council. He shall have power to administer oaths, and appoint deputies when in the opinion of the common council it may be necessary; in which case said deputies shall be nominated by said clerk and approved by

the common council, and the common council may prescribe the duties and fix the compensation of such deputies.

§ 10. In case of the temporary inability or absence of the clerk, or in case of a vacancy in said office, and when there is no deputy, the police court may appoint some competent person to discharge the duties of the office until the vacancy is filled or ceases. Clerk, pro tem.

§ 11. The duties of the police court clerk shall be to keep a full, detailed and complete account on his docket of all cases and persons arrested and brought before the police court; how tried and disposed of; the number of cases disposed of; the cases in which moneys have been collected; and the cases in which money is to be collected; the amount of all forfeitures, penalties, and fines assessed, or the punishment fixed in each case, with the fees and costs accrued and accruing thereon, and to collect, prosecute and receive payment of all such fees, fines, penalties and forfeitures, and all judgments and executions, and all moneys whatever accruing or to be paid in for the use of said city, from the enforcement of any of the laws thereof, and forthwith to pay over the same to the treasurer of said city. Docket of police court.

§ 12. Witness' fees in all cases in the police court, in which the city is a party, shall be taxed and collected only when demanded or claimed by the witness at the time of trial; and no witness shall be allowed more than one fee for any one day's attendance, nor shall any witness fee be taxed in any case in favor of any member of the police force. All witness fees, when collected, shall be paid into the city treasury for the benefit of such witnesses. It shall be the duty of the clerk to deliver to each witness who is entitled to receive from the city any witness' fee, a certificate thereof, showing the name of such witness, the suit in which he testified, and the amount to which he is entitled. The comptroller shall draw his warrant on the treasurer, on presentation of said certificate, in favor of the party entitled to such fee, provided the same be presented within one week after the filing of the daily report, referring to said certificate, hereinafter required from the clerk of said court. Witness' fees.

§ 13. It shall be the duty of the police court clerk to see that all cases are properly prosecuted before said police court in the absence of the city attorney, and no police officer shall conduct any prosecution. He shall take care that said fines, penalties, forfeitures, fees, judgments and executions, are collected in all cases as speedily as may be, and the police justices shall, so far as possible, aid said clerk in the collection thereof. Duties of police court clerk.

§ 14. The said police court clerk shall, at the close of every day, make a written report to the comptroller, containing the name and number of each case disposed of during the day, in which the city is a party, and its final disposition; the names of all witnesses in each case, to whom Report by clerk.

certificates for witness' fees have been issued, with the amount of each fee; and also the amount of all such fines, fees, penalties and forfeitures, as he may have collected during said day. He shall also specify in his said report, the number of cases pending; the number of cases in which any fine, forfeiture or penalty has been inflicted, and the amount thereof, and also the amount of moneys outstanding to be collected in such cases; and the state of each case respectively, and upon making each and every such statement he shall verify the same by oath taken before some competent officer, that such statement is a full, fair and complete statement of the moneys received and collected by him during said day, and of all matters required by law to be embraced in said report. He shall also pay over to the city treasurer, at the close of every day, all moneys received and collected by him as such clerk, and shall file his receipt therefor with the said comptroller.

Paying over moneys.

§ 15. In case of the failure of such clerk to make such report, and pay over said moneys daily, as herein required, a notice shall be served on him by the comptroller, that, within three days, he is required to make such returns, and pay over all moneys received, and in case of the failure of said clerk to pay over said moneys, and make such report to the satisfaction of said comptroller, he shall be suspended and removed from office by the mayor with the concurrence of the common council, and thereupon the mayor, by and with the advice and consent of the common council, shall appoint his successor to fill the vacancy during the unexpired term.

§ 16. The common council, if it think proper, may, by ordinance, provide for the appointment of a prosecuting attorney for said police court, to manage all city cases before it, and in such case, may provide for his compensation by a salary. In case of the appointment of such prosecuting attorney of the police court, he shall prosecute all cases before it, and also superintend the collection of fees, fines, forfeitures, judgments and executions, and keep a docket thereof, and file a monthly report of the number of all cases commenced, and all cases disposed of, with the names of parties sued, and the amount of fines, fees and forfeitures collected; with the number of cases where moneys are uncollected, and the amount thereof, and file such reports in the city comptroller's office.

§ 17. The clerk of the police court and police prosecuting attorney, (if any) shall perform such other duties as may be prescribed by ordinance of the common council.

§ 18. The sessions of the police court shall be held in but one place, where all examinations upon criminal charges before the justices thereof, shall be had; and where also all other business of every kind coming before the justices of said police court shall be transacted; and the place of hold-

Attorney for police court.

Place of holding court.

ing said court shall not be changed without a vote of the common council.

CHAPTER XII.

FIRE DEPARTMENT.

§ 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed, or repaired, without permission, and to direct that all and any buildings, within the limits prescribed, shall be made or constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings, within the fire limits, when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage.

Power to establish fire limits.

§ 2. The common council shall also have power—

First. To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous.

To prevent and extinguish fires.

Second. To prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in safe condition.

Third. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fire.

Fourth. To regulate and prevent the use of fire-works and fire-arms.

Fifth. To compel the owners or occupants of houses or other buildings, to have scuttles in the roofs, and stairs or ladders leading to the same.

Sixth. To authorize the mayor, aldermen, police or other officers of said city, to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat.

Seventh. And generally, to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

§ 3. The common council shall procure fire engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine houses, and other places, for keeping and preserving the same; and shall have power—

Engines.

First. To organize, fire, hose, hook and ladder, and axe companies.

Fire companies, etc.

Firemen. *Second.* To provide for the appointment of a competent number of able and reputable inhabitants of said city, firemen, to take the care and management of the engines, and other apparatus and implements, used and provided for the extinguishment of fires.

Duties of firemen *Third.* To prescribe the duties of firemen and their compensation, and to make rules and regulations for their government, and to impose reasonable fines and forfeitures upon them for a violation of the same; and for incapacity, neglect of duty or misconduct, to remove them.

Duties of chief and assistant engineers. § 4. The chief and assistant engineers of the fire department, with the other firemen, shall take the care and management of the engines, and other apparatus and implements used and provided for the extinguishment of fires; and their duties and powers shall be defined by the common council.

Fire wardens. § 5. The assistant engineers of the fire department shall also act as fire wardens, and it shall be their duty to examine all buildings and inclosures, to discover whether the same are in a dangerous state, and to report to the chief engineer all violations of the charter or ordinances of said city in relation to the prevention or extinguishment of fires.

Fire marshal. § 6. The common council shall have power, in its discretion, to authorize the appointment of a fire marshal, whose duty it shall be to inquire into and investigate the cause of all fires which may occur in the city, as soon as may be after they occur, and to keep a record of his proceedings and of the evidence in each case, and to file the same or a copy thereof in the office of the city clerk. He shall have power to compel the attendance of any person in said city to testify upon oath concerning any fire in said city, under such penalty as the common council may provide, and he is hereby authorized to administer oaths to all such witnesses. He shall be required to use his utmost exertions in the discovery, arrest and conviction of all incendiaries, and perform such other duties as the common council may prescribe. Any or all of the above mentioned duties may be devolved by the common council upon the chief engineer.

Firemen's privileges. § 7. The members of the common council and firemen shall, during their term of service as such, be exempt from serving on juries in all courts of this State, and in the militia. The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in this section, shall be the certificate of the clerk, made within the year in which the exemption is claimed.

Firemen's relief fund. § 8. One-eighth part of the amount of all fire insurance rates which shall be annually paid into the city treasury, as hereinbefore provided, shall be reserved and set apart to create a fund for the relief of distressed firemen who may

become disabled in the service of the city; and shall be used solely for that purpose. Said money shall be disbursed in such sums and under such rules and regulations as the common council shall prescribe. The remaining seven-eighths of the aforesaid revenue shall be retained by the city and allowed to accumulate, until a sufficient sum shall have been realized to defray the expense of establishing a fire-alarm or fire-telegraph system in said city, and shall be then used for that purpose. After this purpose shall have been accomplished, this portion of the aforesaid revenue shall be applied to the purchase of fire engines and other apparatus used for the extinguishment of fires.

CHAPTER XIII.

SCHOOLS AND SCHOOL FUND.

§ 1. The school lands and school fund of township thirty-nine north, range fourteen east of the third principal meridian, shall be, and the same are hereby vested in the city of Chicago. The common council shall, at all times, have power to do all acts and things in relation to said school lands and school fund, which they may think proper to their safe preservation and efficient management; and sell or lease said lands, and all canal or other lots or lands, or other property, which may have been, or may hereafter be, donated to the school fund, on such terms, and at such times, as the common council shall deem most advantageous; and, on such sale or sales, lease or leaseings, to make, execute and deliver, all proper conveyances, which said conveyances shall be signed by the mayor and comptroller, and countersigned by the clerk, and sealed with the corporate seal: *Provided*, that the proceeds arising from such sales shall be added to, and constitute a part of, the school fund.

Sale of school
lands by the
city.

§ 2. Nothing shall be done to impair the principal of said fund, or to appropriate the interest accruing from the same to any other purpose than the payment of teachers in the public schools in said township.

§ 3. The common council shall have power—

First. To erect, hire or purchase buildings suitable for school houses, and keep the same in repair. School houses.

Second. To buy or lease sites for school houses, with the necessary grounds.

Third. To furnish schools with the necessary fixtures, furniture and apparatus. Apparatus.

Fourth. To establish, support and maintain schools, and supply the inadequacy of the school fund for the payment of the city teachers, from school taxes. School taxes.

Fifth. To lay off and divide the city into school districts, and, from time to time, alter the same, or create new ones as circumstances may require. School districts.

Sixth. And generally have and possess all the rights, powers and authority necessary for the proper management of schools, and the school lands and funds belonging to the township, with power to enact such ordinances as may be necessary to carry their powers and duties into effect.

School agent.

§ 4. The school agent shall have the custody and management of the money, securities and property belonging to the school fund, subject to the direction of the common council.

Bond.

§ 5. The school agent, before entering upon his duties, shall give bond in such amount, and with such conditions and sureties, as the common council may require. His compensation shall be paid out of the school fund; and he shall be subject for misconduct in office to the same penalties and imprisonment, as school commissioners are, or may be subject to, by law.

Loan of school fund.

§ 6. The school fund shall be kept loaned at interest, at the rate of twelve per cent. per annum, payable semi-annually in advance. No loan shall be made, hereafter, for a longer period than ten years, and all loans shall be secured by unincumbered real estate of double the value of the sum loaned, exclusive of the value of perishable improvements thereon: *Provided*, the common council shall have power to reduce the rate of interest by a vote of two-thirds of all the aldermen elected; and they may also, by a like vote, authorize the investment of said funds in the bonds of the city of Chicago.

Suits at law.

§ 7. All notes and securities shall be taken, to the city of Chicago, for the use of the inhabitants of said township, for school purposes, and in that name all suits, actions, and every description of legal proceedings, may be had.

§ 8. All expenses of repairing or recording securities shall be paid exclusively by the borrower.

Debts of deceased persons.

§ 9. In the payment of debts of deceased persons, those due the school fund shall be paid in preference to all others, except expenses attending the last illness and funeral of the deceased, not including the physician's bill.

Rate of interest in case of default.

§ 10. If default be made in the payment of interest, or of the principal, when due, interest at the rate of fifteen per cent. upon the same shall be charged from the default, and may be recovered by suit or otherwise. Suits may be brought for the recovery of interest only when the principal is not due.

Interest on judgments.

§ 11. All judgments recovered for interest, or principal, or both, shall respectively bear interest at twelve per cent. per annum, from the rendition of judgment until paid; and in case of the sale of real estate thereon, the city of Chicago may become the purchaser thereof, for the use of the school fund, and shall be entitled to the same rights given by law to other purchasers. On redemption, twelve per cent. interest shall be paid from the time of sale.

§ 12. No costs made in the course of any judicial proceedings, in which the city of Chicago, for the use of the school fund, may be a party, shall be chargeable to the school fund. Costs.

§ 13. If the security on any loan, should, at any time before the same is due, become, in the united judgment of the school agent and common council, insecure, the agent shall notify the person indebted thereof; and unless further satisfactory security shall be forthwith given by the debtor, judgment may be recovered thereon, as in other cases, although no condition to that effect be inserted in the note or other security. Additional security required.

§ 14. The school-tax fund shall be paid into the city treasury and be kept a separate fund for the building of school houses, and keeping the same in repair, and supporting and maintaining schools; and shall be drawn out only in payment of bills approved by the board of education, on the warrant of the comptroller, countersigned by the president of the board of education and the mayor. School tax fund kept separate.

§ 15. The act approved February 23d, 1847, creating the South Chicago school district, and all other acts or parts of acts inconsistent with the provisions of this chapter are hereby repealed. South Chicago school district act repealed.

§ 16. There shall be established in said city at least one common school in each school district, now or hereafter to be created, and free instruction, within their respective districts, shall be given in said schools, to all the children residing within the limits of the city who are over the age of five years, and who may be sent to, or attend such school, subject to such rules and regulations as may be established by the common council or board of education pursuant to the provisions of this act. It shall be the duty of the common council and board of education to provide one or more schools for the instruction of negro and mulatto children, to be kept in a separate building to be provided for that purpose, at which colored pupils, between the ages of five and twenty-one years, residing in any school district in said city, shall be allowed to attend; and hereafter it shall not be lawful for such pupils to attend any public schools in the city of Chicago, at which white children are taught, after a school for the instruction of negro and mulatto children has been provided. Pupils and their age.

Negro schools.

§ 17. The board of education, subject to such general regulations as may be prescribed by the common council, shall have the entire superintendence and control of the schools; and it shall be their duty to examine all persons offering themselves as candidates for teachers, and when found well qualified, to give them certificates thereof gratuitously; to visit all the public schools as often as once a month; to inquire into the progress of the scholars and the government of the schools; to prescribe the courses and

methods of discipline and instruction of the respective schools, and to see that they are maintained and pursued in a proper manner; to prescribe what studies shall be taught, and what books and apparatus shall be used. They shall have power to expel any pupil who may be guilty of gross disobedience or misconduct, and to dismiss and remove any teacher, whenever in their opinion he is unqualified to teach; or whenever, from any cause, the interests of the school may in their opinion require such removal or dismissal. They shall have power to apportion the scholars to the several schools; but no scholar shall attend any school out of the district in which he or she resides, without the written permission of the board or the superintendent of public schools, except as herein otherwise provided.

Expulsion and management of pupils.

§ 18. It shall be the duty of the board of education to establish all such by-laws, rules, and regulations for their own government, and for the establishment and maintenance of a proper and uniform system of discipline in the several schools as may in their opinion be necessary. They shall determine, from time to time, how many and what class of teachers may be employed in each of the public schools, and employ such teachers, and fix their compensation.

Employment of teachers.

§ 19. It shall be the duty of said board to take charge of the school houses, furniture, grounds, and other property belonging to the school districts, and see that the same are kept in good condition, and not suffered to be unnecessarily injured or deteriorated; and also to provide fuel and such other conveniences for the schools as in their opinion may be required. They shall also recommend to the common council such alterations, additions, and improvements as may be required in the school houses, or other property belonging to said districts. All bills for repairs, furniture, benches, desks, apparatus, *et cetera*, shall be audited by said board, and paid out of the school-tax fund.

Furniture and improvements.

§ 20. The teachers in each district shall at the end of each and every month report to the superintendent of public schools the number of days they have been employed in teaching school during the month, and the number of scholars in attendance on each day or half day; and at the close of each month, the board of education shall draw an order upon the agent of the school fund, in favor of said teacher, for the amount due to him or her. But no order shall be drawn upon the school fund for a greater amount than the interest on hand at the time the same may be drawn, or than the amount raised and specially appropriated for the support of schools by the common council.

Teachers' monthly report.

§ 21. It shall be the duty of the agent of the school fund to report at the end of each quarter to the common council the amount of interest on hand, and to give the board of

Agent of school fund to report quarterly.

education such information as they may from time to time request in reference thereto.

§ 22. The said board shall appoint from their own number a president, and provide themselves with a well bound book at the expense of the school-tax fund, in which shall be kept a faithful record of all their proceedings.

§ 23. None of the powers herein conferred upon the board of education shall be exercised by them except at a regular or special meeting of the board. They shall have all their proceedings published immediately after their meetings, in some one or more of the newspapers published in the city which will publish the same gratis, and also in the corporation newspaper, with such fullness as to inform the public in every respect of the business transacted by them; also, resolutions in regard to the adoption of new books to be used in the public schools, with the names of members who may introduce any proposition of interest to the public in regard to the schools, and the yeas and nays upon the same, if the question shall be thus taken.

Publication of
proceedings.

§ 24. It shall be the duty of the board to report to the common council from time to time any suggestion that they may deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishing such schools and districts, and the making such alterations or improvements therein, as they may deem beneficial and expedient.

Report of the
school board.

§ 25. The board of education shall annually prepare and publish, in the corporation newspaper, a report of the number of pupils instructed in the year preceding, the several branches of education pursued by them, and the receipts and expenditures of each school, specifying the sources of such receipts and the objects of such expenditures. They shall also communicate to the common council, from time to time, all such information within their possession as may be required.

§ 26. For the more convenient discharge of the duties assigned by law to the board of education, and to aid them in the performance of the same, the office of superintendent of public schools is hereby created. Said superintendent shall be appointed biennially by the board of education, by and with the advice and consent of the common council, and shall receive such annual salary as shall from time to time be fixed by the board of education, subject to the approval of the common council. The superintendent so appointed may be removed at any time by a vote of the board.

Superintendent
of public schools

§ 27. The said superintendent shall act under the advice and direction of the board, and shall have the superintendence of all the public schools, school houses, books and apparatus. He shall devote himself exclusively to the duties of his office. He shall keep regular office hours, other than school hours, at a place to be provided for that purpose,

Superintendent's
powers and du-
ties.

which place shall be the general depository of the books and papers belonging to the board, and at which the board shall hold their meetings. He shall acquaint himself with whatever principles and facts may concern the interests of popular education, and with all matters pertaining in any way to the organization, discipline and instruction of public schools, to the end that all the children in said city, who are instructed at the public schools, may obtain, within their respective districts, the best education which these schools are able to impart. He shall visit all the schools as often as his duties will permit, and shall pay particular attention to the classification of the pupils in the several schools, and to the apportionment among the classes of the prescribed studies. He shall carefully observe the teaching and discipline of all the teachers employed in the public schools, and shall report to the board whenever he shall find any teacher deficient or incompetent in the discharge of his or her duties. He shall attend all the meetings of the board, and shall act as secretary thereof. He shall keep the board constantly informed of the condition of the public schools, and the changes required in the same. He shall keep a record of all his proceedings, at all times open to the inspectors. A general report of the condition of the public schools shall be prepared by him at the close of each school year for publication. He shall moreover report to the board from time to time, such by laws and regulations for the government, discipline and management of the public schools as he may deem expedient; and shall also perform such other duties as the board of education shall from time to time direct.

Books used in
public schools.

§ 28. It shall be unlawful for the superintendent, or any member of the board, to receive, either directly or indirectly, any fee, gift or reward from any book-publishing concern, book agent or bookseller, or to act as agent or attorney for any book-publishing concern, book agent or book seller, or to be pecuniarily interested in the sale or publication of any book used in the public schools; and any violation of these provisions shall subject the offender to immediate removal from office by the common council.

CHAPTER XIV.

REFORM SCHOOL.

§ 1. The reform school heretofore established by the city of Chicago shall be continued in existence as a school for the safe keeping, education, employment and reformation of all children in said city between the ages of six and sixteen years, who are destitute of proper parental care, and growing up in mendicancy, ignorance, idleness or vice. The common council may hereafter, in its discretion, change

Location of
schools and build-
ings.

the location of said reform school, and purchase grounds and erect and maintain all necessary buildings therefor.

§ 2. The government of said school shall be vested in a board consisting of the comptroller and six guardians to be appointed in the manner hereinbefore prescribed. The said board shall appoint a president, vice-president and secretary from their own number; and a majority of the board shall constitute a quorum for the transaction of business.

Board of management.

§ 3. It shall be the duty of the said board of guardians to take charge of the general interests of said school; to see that its affairs are conducted in accordance with the requirements of this act; to see that strict discipline is maintained therein; to provide employment for its inmates; to appoint a superintendent and such other officers as the wants of the school may from time to time require, and to prescribe their duties; to exercise a vigilant supervision over said school, its officers and teachers, and to determine their salaries; such salaries to be subjected to the approval, regulation or alteration of the common council.

Manner of conducting school.

§ 4. One or more of said guardians shall visit the school at least once in every two weeks, at which time the schools in all its departments, shall be examined. A record shall be regularly kept of such visits in the books of the superintendent. An annual report shall be made by the board of guardians to the common council on or before the tenth day of April, exhibiting the condition of the school and giving a detailed account of its affairs for the preceding year.

Visiting and inspecting schools.

§ 5. The superintendent, with such subordinate officers as the guardians shall appoint, shall have the charge and custody of the children; he shall himself be a constant resident at the institution, and shall discipline, govern, instruct, employ, and use his best endeavors to reform the inmates in such manner as, while preserving their health, will secure the formation, as far as possible, of moral and industrious habits, and regular and thorough progress and improvement in their studies, trades, and various employments.

Superintendent.

§ 6. The superintendent shall, under the direction and control of the board, have charge of the lands, buildings, furniture, tools, implements, stock and provisions, and every other species of property pertaining to the institution within the precincts thereof. He shall, before he enters upon the duties of his office, give a bond to the city of Chicago, with sureties, to be approved by the common council, in the sum of one thousand dollars, conditioned that he shall faithfully perform all the duties incumbent on him as such superintendent. He shall keep in suitable books regular and complete accounts of all his receipts and expenditures, and a complete enumeration of all property entrusted to him. He shall also exhibit in said books the income, from whatever source, of said institution and school land; he shall account to the treasurer of the city, in such manner as the

Charge of buildings, furniture, etc.

guardians may require, for all moneys received by him from the proceeds of the land, the work and labor of the inmates or otherwise. His books and all documents relating to the school shall at all times be open to the inspection of the guardians, who shall at least once in every three months carefully examine the said books and accounts, and the vouchers and documents connected therewith, and make a record of the result of such examination in books to be kept by said guardians. He shall keep a register containing the name and age of each child, and the circumstances connected with his early history; and he shall add such facts as may come to his knowledge, relating to the subsequent history of such children, while in the school and after being discharged therefrom. He shall at all times be subject to removal by the board of guardians, and shall be governed by the rules and regulations they may establish.

Register of pupils.

Mayor to appoint commissioner.

§ 7. It shall be the duty of the mayor of the city of Chicago, each year, on the application of the board of guardians of said reform school, to appoint some proper and discreet person, with the concurrence of said board, as commissioner, before whom all males within the ages prescribed by law shall be sent, before any police magistrate or justice of the peace shall sentence, or order such male to be committed to the reform school. Such commissioner shall keep a true and perfect record of his doings in relation to all persons brought before him, and shall retain the same during his term of office, and at the expiration thereof, shall deliver the same, with all preceding records to the city clerk, who shall upon the appointment of a new commissioner deliver the same to him. There shall be paid to said commissioner such sum from the reform school funds as the board of guardians shall, from time to time, direct, and which shall not in the aggregate amount to more than one thousand dollars in any one year.

Vagrants to be committed to school.

§ 8. Whenever any police magistrate or justice of the peace within the city of Chicago, shall have brought before him any male within the ages of six and sixteen years of age, who he has reason to believe is a vagrant, or destitute of proper parental care, or is growing up in mendicancy, ignorance, idleness or vice, he shall cause such person, together with the warrant on which he was arrested, and the list of witnesses which may be necessary to establish the situation and condition of such person, to be transmitted to said commissioner; and thereupon it shall be the duty of such commissioner to issue a summons or order in writing, addressed to the father of said person, if he be living and resident within the city; and if not, then to his mother, if she be living and so resident, and if not, then to his lawful guardian, if any there be resident within said city, and if on examination it shall appear that such boy has neither father, mother nor guardian, so resident, then to the person with

whom, according to the examination and testimony, if any, received by such commissioner, the said boy shall reside; and if there be no person with whom he steadily resides, the commissioner may, at his discretion, appoint some suitable person to act in his behalf, requiring him or her, as the case may be, to appear before him at such time and place as he shall in said summons or order appoint, and to show cause, if any there be, why the said boy shall not be committed to the reform school. And upon the appearance before him of the party named in said summons or order, or if, after due service had of the summons or order aforesaid, there shall be no such appearance, the said commissioner shall, upon the expiration of the time named in said summons or order for said appearance, proceed to examine said boy, and the party appearing in answer to said summons or order, if any such there be, and to take such testimony in relation to the case as may be produced before him; and in case it shall be proven to the satisfaction of the commissioner by such examination, or by competent testimony, that said boy is a suitable subject for the reform school, and that his moral welfare and the good of society require that he should be sent to said school for instruction, employment and reformation, he shall so decide, and shall thereupon certify his said opinion and decision to said magistrate or justice of the peace, as near as may be in the following words:

To A. B., Esq., a Justice of the Peace:

I hereby certify that has been examined by me agreeably to the statute, and upon competent evidence, proved to be a suitable person for commitment to the Reform School.

C. D., Commissioner.

Form of commitment.

And thereupon said magistrate or justice of the peace shall commit such person to the reform school; and such commitment shall be by warrant in substance as follows:

To any Sheriff, Constable, or Police officer within the city of Chicago:

You are hereby commanded to take charge of a boy above the age of six, and under the age of sixteen years, who has been found by competent evidence to be a suitable subject for commitment to the reform school and a proper object for its care, discipline and instruction, and to deliver said boy, with this warrant without delay to the superintendent or other officer in charge of said school, at the place where the same is established; and for so doing, this shall be your sufficient warrant.

Dated at the city of Chicago, in the county of Cook, this day of, A. D. 18.., J. P.

But no variance from the preceding form shall be deemed material, provided it sufficiently appear upon the face of the warrant that the said boy is committed in exercise of the powers given by this act. And in case said commissioner shall be of opinion, and shall decide and certify that such boy is not a proper subject for commitment to the reform school, he shall order such boy, with the warrant, to be transmitted back to such police magistrate or justice of the peace, who shall thereupon deal with him in the same

Commissioner to
have powers of
justice.

manner he would have done had he not been transmitted to, or examined by said commissioner. And said commissioner shall in the performance of his duties under and by virtue of this act, be clothed with the powers of a justice of the peace, to compel the attendance of witnesses and all other persons whose attendance and presence may be necessary to enable him to fully investigate the situation of all persons who may be brought before him; and the police officers of said city shall be subject to his direction, and shall serve when called upon for that purpose, any summons, order or warrant, issued by him.

Males under sixteen to be sent
for punishment.

§ 9. Whenever any male under the age of sixteen years and over the age of six years, shall be convicted in any court having criminal jurisdiction in the county of Cook, of any offense punishable by fine or imprisonment, who in the opinion of the court would be a fit and proper subject for commitment to said reform school, such court shall make an order committing such boy to said reform school; and thereupon it shall be the duty of said court, by warrant in due form of law, to commit such boy to said reform school; and all warrants shall designate the offense or complaint for which such commitment is made and the age of the boy; but no warrant shall be held invalid for want of form, and the same may be served by the sheriff or any constable of Cook county, who shall execute the same and deliver the boy or boys named in such warrant to the superintendent of the reform school with the warrant, and for such services shall be paid the same fees as are now provided in case of the commitment of a criminal to the county jail for an offense punishable by imprisonment therein: *Provided, however,* that such boys only shall be committed to said reform school as, in the opinion of the court, are in need of and will be benefited by the reformatory influence of said school, the said school being intended as an educational and reformatory institution, rather than as a prison or place of punishment.

Instruction and
discipline of
criminals.

§ 10. Every boy above the age of six and under the age of sixteen, who shall be legally committed to said school, as hereinbefore provided, shall be kept disciplined, instructed, employed and governed under the direction of the board of guardians of said school, until he be either reformed and discharged, or be bound out by said guardians, or until he shall have arrived at the age of twenty-one years; and said guardians are hereby clothed with the sole authority to discharge any boy or boys from said reform school, who have heretofore been or may hereafter be legally committed thereto, and such power shall rest solely with said board of guardians and with no other persons or body politic or corporate; but it shall be the duty of said board of guardians and they shall have power to return any boy to the court, police justices, or other authorities, ordering or directing

said boy to be committed, when in the judgment of said guardians they may decree said boy an improper subject for their care and management, or who shall be found incorrigible, or whose continuance in the school they may deem prejudicial to the management and discipline thereof, or who in their judgment ought to be removed from such school for any cause; and in such case said court, police justice, or other authorities shall have power and are required to proceed as they might have done had they not ordered the commitment to such school.

§ 11. Said guardians shall have power to bind out all boys committed to their charge for any term of time until they shall have arrived at the age of twenty-one years, as apprentices or servants to any inhabitant of this State, and the said guardians and master or mistress, apprentice or servant, shall respectively have all the rights and privileges and be subject to all the duties set forth by the statute laws of this State relative to apprentices and guardians and wards, and shall have the same power as overseers of the poor or mayor and aldermen, and the same clauses and provisions required to be inserted in the indentures of apprentices in such cases shall be inserted in all indentures that may be executed by the said guardians. No person receiving such apprentice under the provisions of this act shall transfer the indenture, and the said board of guardians shall have power in all cases when in their judgment it shall be beneficial to the boy, to cancel such indentures of apprenticeship, for cruelty, negligence, or other improper conduct, or for removal from the State, and recover possession of the child apprenticed. Said guardians shall also have power to permit such boys as they shall judge fit subjects for such treatment to be placed out under the care of any proper person or persons in this State, on "tickets of leave," and such boys so placed out may be kept and retained by such person or persons during the pleasure of said board of guardians, and subject at all times to their control and regulation.

Power of guardians.

Tickets of leave.

§ 12. The board of guardians of said reform school are hereby authorized, with the concurrence of the common council, to establish a branch reform school for girls under the age of sixteen years and over the age of six years; and for that purpose to purchase such lands and erect such buildings thereon as in their judgment are required; and such girls may, for the same causes, and by the same courts, and in the same manner, be committed to such branch reform school as boys may be to the reform school, and all statutes and ordinances relative to the power, management, and control of said reform school, by the board of guardians, are hereby made applicable to said branch reform school, and the same powers are delegated to and vested in them in relation to the same; and all ordinances and statutes regulating the powers of police magistrates, justices of the

Branch reform school for girls.

peace and other courts, and of the commissioner, shall in all respects be made applicable to girls under the age of sixteen and over the age of six years, where they are found destitute of proper parental care, or leading a vicious life, or are found in streets, highways or public places, in circumstances of want, suffering, neglect, or exposure.

Yearly estimate
of cost.

§ 13. It shall be the duty of the board of guardians to prepare and submit to the comptroller, on or before the first day of May in every year, an estimate of the whole amount required to be raised by taxation for providing for and maintaining the said reform school during the current fiscal year, which estimate shall be in detail and shall be laid by said comptroller before the common council with his annual estimate. The common council may revise said estimate, and the aggregate amount of the sums required after such revision, not exceeding the authorized per centage, shall be provided for in the general tax levy to be laid on said city. Said money, when collected, shall be paid into the city treasury, and shall be styled the reform school fund, and shall be drawn out only in payment of bills approved by the board of guardians, on the warrant of the comptroller, countersigned by the president, or in his absence by the vice-president, of said board and the mayor. But this section shall not be construed as repealing any of the provisions of the act to incorporate the Roman Catholic Asylum of the Diocese of the Catholic Bishop of Chicago.

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CHAPTER XV.

CHICAGO WATER WORKS.

§ 1. The board of public works of the city of Chicago shall have charge and superintendence of the water works of said city.

Supplying of wa-
ter

§ 2. It shall be the duty of said board to examine and consider all matters relative to supplying the city of Chicago with a sufficient quantity of pure and wholesome water, to be taken from Lake Michigan, for the use of its inhabitants.

Reservoirs and
hydrants.

§ 3. Said board shall have power to construct reservoirs, jets, and public and private hydrants, and to lay pipes in and through all the streets and alleys of said city, and also across all rivers and streams in the said city and in the county of Cook, not interfering with the navigation of the same, and with the consent of the common council of said city, to construct fountains in the public squares or such other public grounds of said city, as they shall deem expedient.

§ 4. It shall be the duty of said board to construct hydrants of sufficient size and capacity, and in such localities, as they shall deem desirable for the purpose of extinguishing fires.

§ 5. The said board shall have power to purchase, hold and convey any personal and real estate which may be necessary and proper to carry out the intention and object of this chapter, but the title to all real estate purchased shall be taken in the name of the city of Chicago; and no such purchase shall be made without the approval of the common council being first had thereto.

§ 6. Said board shall have the power, and it is hereby made their duty, to purchase such lot or lots of land, subject to the approval of the common council, and to construct such buildings, machinery, and fixtures, as shall be deemed necessary or desirable to furnish a full supply of water for public and private use in said city. Purchase of lots and buildings.

§ 7. Said board shall have power to purchase such books, charts, and other works, as may be found necessary or useful, and to cause such surveys to be made within said city and outside of its limits, as may be required for the objects of this chapter. Charts and surveys.

§ 8. The said board are hereby authorized to enter upon any land or water for the purpose of making surveys or constructing any of the works authorized by this chapter, and to agree with the owners of any property which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner for the property so taken, or the amount of damages to be paid to such owner or owners by reason of the construction of any of the works hereby authorized; but no such agreement shall be binding upon said city, until first approved by the common council thereof. Compensation for property taken.

§ 9. In case of disagreement between the board and the owners of property, which may in the judgment of said board be required for any of the purposes specified in this chapter, as to the amount of compensation to be paid to such owners, or in case such owner shall be an infant, a married woman, or insane, or absent from this State, or in case of disagreement between the said board and any owner or owners of property, touching the amount of damages arising from the construction of any part of the work hereby authorized, the said board shall have the right to condemn said property, or to have the amount of such damages ascertained, or both, and the proceedings for the condemnation of such property, or the ascertainment of such damages, or both, shall conform as nearly as may be to those specified and provided in the act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22, 1852, and the act or acts of which the same is an amendment. Mode of ascertaining damages.

§ 10. The city of Chicago shall have the power to construct such aqueducts along the shore of Lake Michigan, or in the highways, or elsewhere in said Cook county, and to construct such pumping works, breakwater, subsiding basins, Aqueducts.

filter beds, and reservoirs, and to lay such water mains, and to make all other constructions in said county, as shall be necessary in obtaining from Lake Michigan a sufficient and abundant supply of pure water for said city.

Piers and light
houses.

§ 11. Said city shall have power to extend aqueducts or inlet pipes into lake Michigan so far as may be deemed necessary to insure a supply of pure water, and to erect a pier or piers in the navigable waters of said lake, for the making, preserving, and working of said pipes or aqueducts: *Provided*, that such piers shall be furnished with a beacon light, which shall be lighted at all seasons and hours, as the light on the pier at the entrance of Chicago river.

Issue of bonds.

§ 12. The board of public works are hereby empowered to issue all bonds, now authorized to be issued under the law of this State, incorporating the Chicago city hydraulic company, approved February 15th, 1851, or the acts amendatory thereof, or under any law authorizing the issue of bonds for the construction of the water works for the said city of Chicago.

Borrowing of
money to carry
on work.

§ 13. For such expenditures, pertaining to the supply of water to the said city as are hereby authorized, the said city shall have power to borrow, from time to time, as the board of public works and the common council of said city shall deem expedient, a sum of money not exceeding five hundred thousand dollars, and said board shall have power, by and with the approval of the common council, to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; but no bonds shall be issued until the common council shall have approved of such issue, by a vote of a majority of all the aldermen by law authorized to be elected; and all bonds issued by said board, before they shall be binding upon said city, shall be marked approved by the mayor and clerk of said city, under the seal of said city, and such signature and seal shall be conclusive evidence to the holder of said bonds, of the fact of such approval: *Provided*, that all sales of water loan bonds, which may be issued by said board, shall be made only by the comptroller of said city, who on making such sales, shall deposit the proceeds thereof with the city treasurer to the credit of the water fund, and shall file with the said board a duplicate receipt of the said treasurer for the amount of such deposit: *Provided, also*, that all funds derived from the sale of said water loan bonds or from water rents, or otherwise, for the water works of said city, shall be exclusively used and appropriated by said board, to the objects and purposes pertaining to the water supply of said city, herein specified, nor shall the same or any part thereof, be used by the said board, or by the said city, for any other purpose.

§ 14. It shall be the duty of the said board, at any time when they shall desire to make an issue of bonds, as herein authorized, to make a report to the common council, setting forth the nature and amount of the work proposed to be executed, and the amount which will be required by them for such purposes, within a period to be stated in said report, which report shall be accompanied by an estimate of the cost of the things required to be purchased and of the work to be done; and the common council may thereupon approve the issue of the whole amount of bonds called for by such report, or such part thereof, as the said common council may deem expedient.

Report of expenses to council.

§ 15. The said bonds shall bear interest at a rate not exceeding seven per cent. per annum, and shall not be sold at a rate which will net to the said board less than their par value, unless the common council of said city shall, by a vote of a majority of all the aldermen elected, authorize the comptroller of said city to sell the same at a lower rate, and then only at such rate as shall be fixed by said council: *Provided, however*, that reasonable commissions to brokers or agents, employed in procuring the sale or negotiation of said bonds, may be paid by said comptroller.

Interest on bonds

§ 16. It shall be the duty of the said board to keep an accurate register of all bonds and all interest coupons issued for the construction of said water works, showing the number, date and amount of each bond and coupon, and to whom issued or sold, and when and where payable, and the particular bonds at any time outstanding.

Registry of bonds

§ 17. It shall be the duty of the comptroller of the city of Chicago, to keep such a record of all bonds, now or hereafter to be issued for the water supply of said city, as shall at all times exhibit the number and amount of such bonds outstanding, the rate of interest, and when and where the principal and interest are payable.

Comptroller's record of bonds.

§ 18. It shall be the duty of the comptroller of said city to pay the interest on said water loan bonds, and also the principal as the bonds shall become due. The said comptroller when there are funds for that purpose, may, with the approval of said board, purchase any such water loan bonds whether the same have become due or not; and in case there are not sufficient water funds in the treasury of said city to meet all of the said bonds when the same shall become due, the said board shall have the right to issue new bonds, in the same manner as hereinbefore provided, for such amount, and on such time, as the said board and the common council shall deem expedient, in the place of the bonds so becoming due as aforesaid; the said old bonds to be canceled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

Comptroller to pay interest.

§ 19. The said board of public works shall from time to time, assess as water rents or assessments, such amounts as

Water rents.

they shall deem equitable on any lots of land which shall abut or adjoin any street, avenue or alley in said city, through which the distributing pipes of the water works of said city are, or may hereafter be laid, which shall have a building or buildings thereon, which can be conveniently supplied with water from the said pipes; the said assessment shall be on the said lots, and on the building or buildings thereon, whether the water from the water works of said city shall be used in such building or buildings or on such lot, or not; and the said assessment shall be and become a continuing lien or charge upon all such lots, and the building or buildings situated thereon.

Attaching meters

§ 20. The said board shall have power to attach meters to any premises using water, to enable them to determine the amount to be assessed against such premises; and assessments so from time to time made shall be a charge and lien on the lot and building or buildings situated thereon, as in the case of assessments otherwise levied, and be collected in the same manner as herein provided for other water assessments.

§ 21. An accurate record of all water rents or assessments shall be kept by said board, which shall be subject to inspection.

§ 22. Ten days prior to the day designated by the board for the semi-annual or other periodical payment of the water assessment, they shall advertise in the corporation newspaper of said city, or if there be no corporation newspaper, then in some other newspaper in said city, that the said water assessments will at such time become due and payable, and if such assessments are not paid within thirty days from the day fixed as above for their payment, then the said board shall have power to add to such assessment an amount not exceeding ten per cent. thereof; and on premises assessed, but not supplied with water, the said board may make a discount on the assessment, if the same be paid within periods to be fixed by the board.

Collecting rents.

§ 23. It shall be the duty of the said board, to collect the water rents and assessments so assessed; and in case the payment thereof shall be neglected or refused for thirty days after the time fixed for the payment of the same as hereinbefore provided, then the said board may issue their warrants, under the corporate seal and attested by the city clerk, directed to any constable of said city, commanding him to make the amount specified in such warrant, being the whole amount due at the date of the issue of such warrant for water rents or assessments, as aforesaid, together with the costs of advertising the same, and such fees as constables are entitled to by the laws of this State in the levy and sale of personal property upon execution, out of goods and chattels of the owner or owners of the lots and buildings so assessed, or of the owner or owners either of the

lots, or of the building or buildings thereon, if the lot and building are not owned by the same person or persons; and the constable in such case shall levy under such warrant, upon any personal property of the person or persons against whom the same is issued, and shall sell the same at public auction, after giving ten days' notice of the time and place of sale in some newspaper published in said city.

§ 24. Commencing with the year 1864, and annually thereafter, on or before the last day of October, the said board shall issue a warrant or warrants under the corporate seal and attested by the city clerk, directed to the city collector, (charging him with the amount collectable thereon, and taking his receipt therefor,) commanding him to make the amounts set against the several lots or parcels of land described in said warrant, being the amount of water rents or assessments which still remain unpaid on said lots, for the year ending May first next preceding the time of the issue of such warrants, out of the goods and chattels of the respective owners of said lots of land, and the same proceedings shall thereupon be taken, with reference to said warrants, as with warrants issued by said city for the collection of assessments for the filling, grading or paving of streets, and they shall have the same force and effect, excepting that the said collector shall pay over the amounts collected by him to the said board of public works, and if any lots of land be struck off to the said city, at the sale for such water rents or assessments, as is provided in the case of other taxes or assessments, the certificates of the sale thereof shall be issued to the said board of public works, and shall be held by them for the use and benefit of the water works of said city. Said board shall have the same rights under such certificates as other purchasers at tax or assessment sales, and said certificates shall be assignable by the endorsement of the president of said board. Said warrants for the collection of water assessments, when issued to the said city collector, shall have the same force and effect as warrants issued to the said collector by said city for assessments for filling, grading or paving streets; like powers, rights and duties being hereby conferred and imposed upon the said city collector, and on all parties interested, except as provided in this section: *Provided, however*, that nothing in this section contained shall be so construed as to prevent said board from resorting to any other method for the collection of water rents and assessments which may be authorized in this chapter.

Warrants against property for water rents.

§ 25. If in the issue of the said warrants to the said city collector, for any one year, the assessments against any lot or lots should be omitted therefrom, or if from any cause the assessments on any lots should not be collected under such warrants, the said board may, in their warrants to be issued the next year to the city collector, include such back

Back assessments

assessments, or the amounts with which such lots are chargeable may be collected out of the personal property of the owners of the lots, or of the buildings, as is hereinbefore provided, by the issue of the warrants of the board to any constable in said city.

Sale of property
to collect water
rents.

§ 26. For the collection of all water rents or assessments remaining unpaid on the first day of May, A. D. 1863, the said board may issue their warrants as is provided in section twenty three of this chapter, and such warrants shall authorize the sale of any house or building, on which any lien shall have attached by reason of such water rent or assessment, if the building and lot on which the same is situated are owned by different persons; or if the building and lot on which it is situated, against which such water rent is assessed, are owned by the same person, the said board may as soon after the first day of May, A. D. 1863, as shall be practicable, report to the common council of said city, the lots on which there shall remain unpaid such water rents or assessments, and the common council shall thereupon take the same proceedings for the collection of such water rents or assessments, as are provided in this act for the collection of assessments for the repair of sidewalks; but any amount collected under these proceedings shall be paid over to said board, and certificates of sale of lots struck off to the city shall be issued as provided in the twenty-fourth section of this chapter.

Regulations for
using of water.

§ 27. It shall be the duty of the board to make all needful rules and regulations, concerning the use of water supplied by the water works of said city, which regulations shall be printed in the water permits issued by said board, and if rules and regulations are needed other than what are now provided for in the ordinances of said city, it shall be the duty of the board to report to the common council the regulations which shall be adopted by them, to provide for such necessity, and the common council shall thereupon pass an ordinance establishing such rules and regulations, and providing penalties for their violation; which penalties may be enforced in any court having jurisdiction of any offenses against any of the ordinances of said city. In all cases where said rules are not complied with, the said board shall have the right to stop or cut off the supply of water from premises where compliance with such rules is refused or neglected, and the shutting off of the water from such premises shall not make void the assessment thereon, but they shall be held for the assessment, as in the case of lots which are not supplied with water, but which abut upon a street or alley where the water pipe is laid.

Water for clean-
ing sewers.

§ 28. The said board are empowered to make connections between the water pipes and sewers of said city, and to furnish such amount of water for the purpose of cleaning out such sewers, as shall be required, so far as the water can

be conveniently supplied by the water works of said city, without lessening the supply needed for the use of its inhabitants.

§ 29. If there shall be an annual income or revenue in any way from the water works of said city, greater than is needed to pay the interest of the bonds issued for their construction, and to pay the current expenses of the works, and for maintaining them in thorough repair, then the said board shall have the power to direct such excess of revenue to be used in the purchase of the outstanding water loan bonds, or in making such additions to the water works of said city as shall have been approved by the common council, or to direct such surplus funds to be invested in the purchase of other bonds of the city of Chicago. The annual report of said board shall specify in full what amount of surplus funds shall have been invested, and the nature and amount of the respective securities held by them. The annual report of said board shall also show the amount of water loan bonds outstanding, and all debts outstanding on account of the water works, and the amounts due from parties to the city for the water works, and shall accurately and clearly exhibit all the expenditures of the said board on account of the same, which statement shall be certified by the commissioners of said board under oath.

Excess of income
to be applied in
purchase of
bonds.

§ 30. It shall be the duty of the said board, on or before the first day of May in each year, to report to the comptroller, what, if any, sum will be needed by said board, over and above the revenue of said water works, to meet the payment of interest or principal of the said water loan bonds, which said report shall be laid by the comptroller before the common council with his annual estimate, and it shall be the duty of the common council to raise said amount, if approved by them, by a special tax, in the same manner as general taxes, to be designated water tax, or in such other way as the said common council shall direct, and the said amount shall be paid over to the city treasurer, to be applied to the payment of the interest or principal of the water loan bonds.

Annual report of
board to comp-
troller.

§ 31. The said board shall have power to authorize the comptroller of said city to raise by temporary loan upon the credit of said city of Chicago, with the approval of the common council, such sums of money as may be needed for the payment of the interest on the said bonds or the outstanding obligations of the said city, on account of the water works, and for which there shall be no funds in the hands of the treasurer of the said city; but in all cases such temporary loans shall be provided for out of the first revenue received from the water works into the city treasury.

Raising of money
to pay.

§ 32. All accounts pertaining to the water works of said city shall be kept separate and distinct from the accounts pertaining to other departments of said board; and all mon-

eys deposited with the city treasurer on account of the water works, shall be by him kept separate and distinct from all other moneys, as the water fund, and shall only be applied for the uses and purposes for which the same were received; and such moneys shall be held by the treasurer of the city as a special fund, separate and distinct from other funds; and he shall be deemed guilty of embezzlement if he shall pay out such moneys for any account other than that belonging to such water fund, and shall be liable to indictment for so doing.

Injury done to
property.

§ 33. If any person shall willfully do or cause to be done any act, whereby any work, material or property whatever, constructed, provided or used within the city of Chicago or elsewhere, by the said board, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or if any person shall willfully pollute the water, such person shall be subject to indictment, and upon conviction thereof shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court.

§ 34. All acts or parts of acts inconsistent with the provisions of this chapter are hereby repealed.

CHAPTER XVI.

CHICAGO SEWERAGE WORKS.

§ 1. The board of public works of the city of Chicago shall have charge and superintendence of the sewers of said city, and of all works pertaining thereto.

Drainage of soil
and cellars.

§ 2. It shall be the duty of the said board to examine and consider all matters relative to the thorough, systematic and effectual drainage of the city of Chicago, not only of surface water and filth, but also of the soil on which said city is situated, to a sufficient depth to secure dryness in cellars, and entire freedom from stagnant water, and in such manner as best to promote the healthfulness of said city.

Books and charts

§ 3. The said board shall have power to purchase such books, charts and other works as may be found necessary or useful, and to cause such surveys to be made within said city, and outside of its limits, as may be required in carrying out the objects of this chapter.

§ 4. The said board shall have power to construct reservoirs, and to lay sewers or drains, in and through all the alleys and streets of the said city, and in any highway in Cook county, and also across all rivers and streams, not interfering with the navigation of the same, and through any or all breakwaters into Lake Michigan, whether within the limits of said city or not.

§ 5. The said board are hereby empowered, with the approval of the common council of said city, to construct canals or sewers connecting Lake Michigan with Chicago river or its branches, and such other canals, ditches, dams, sewers, embankments, reservoirs, pumping works or other works, and such buildings, machinery and fixtures, as they may find necessary or useful for the carrying out of the purpose of this chapter, whether the same are made within or without the limits of said city.

Canals from Chicago river.

§ 6. The said board shall have power to purchase, hold and convey, any personal and real estate which may be necessary and proper to carry out the intention and objects of this chapter; but the title to all real estate purchased shall be taken in the name of the city of Chicago, and no such purchase shall be made without the approval of the common council being first had thereto.

Purchase and owning of real estate.

§ 7. The said board are hereby authorized to enter upon any land or water, for the purpose of making surveys or constructing any of the works authorized by this act, and to agree with the owners of any property which may be required for the purpose of this act, as to the amount of compensation to be paid to such owners for the property so taken, or the amount of damages to be paid to such owner or owners by reason of the construction of any of the works hereby authorized, but no such agreement shall be binding on said city until first approved by the common council thereof.

Entering upon land, etc.

§ 8. In case of disagreement between the board and the owners of property, which may in the judgment of said board be required for any of the purposes specified in this chapter, as to the amount of compensation to be paid to such owners, or in case such owner shall be an infant, a married woman, or insane, or absent from this State, or in case of disagreement between the said board and any owner or owners of property, touching the amount of damages arising from the construction of any part of the work hereby authorized, the said board shall have the right to condemn said property, or to have the amount of such damages ascertained, or both, and the proceedings for the condemnation of such property, or the ascertainment of such damages, or both, shall conform as nearly as may be to those specified and provided in the act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22, 1852, and the act or acts of which the same is an amendment.

Damages in using land.

§ 9. It is hereby made the duty of the said board to report to the common council what grade or changes of grade of the streets and alleys of said city are necessary to secure their thorough drainage and sewerage, as is contemplated by this chapter, and the common council may thereupon by ordinance establish or alter such grades. The said

Grading streets.

board may make such arrangements or alterations of the gutters along the streets and alleys included in those parts of the city the drainage from which can be conveniently introduced into the sewers, as shall be necessary to cause a rapid and effectual removal of the surface water from the same; and to this end may enter upon, use and obstruct the said streets for such time as may be necessary to effect said object.

Private drains
and sewers.

§ 10. The said board, while constructing the said drains or sewers as herein provided, may construct such additions to the same as they shall deem expedient, to furnish the proper plans of connection with the private drains or sewers to be thereafter constructed, and the cost of such additions may be charged and assessed as a part of the expenses of said private drains or sewers connecting therewith, when such private drains or sewers shall be constructed, and shall be chargeable to the lot or lots for the benefit of which the same are constructed, and collected, in the same manner as hereinbefore in this act provided for the collection of the cost of such private drains or sewers.

§ 11. The cost of the private drains and sewers, connecting the respective lots in said city with the public sewers, shall not be included in the cost of the general plan of sewerage, but the same shall be a special charge upon the lot or lots for whose benefit such private drain or sewer shall be constructed, and shall be collected as hereinbefore in this act provided.

Mode of connect-
ing private with
public drains.

§ 12. It shall be the duty of said board to prescribe the location, arrangement, form, material and construction of every private drain or sewer emptying into the said public drains or sewers, and to determine the manner and plan of such connection; and the work of constructing the same, shall be in all cases subject to the superintendence and control of the said board, and shall be executed strictly in compliance with their orders.

§ 13. It shall be the duty of the said board to construct or provide for the construction of private drains or sewers to communicate with the public drains or sewers, from every lot in the said city, which in their judgment requires it; and whenever the said board, by virtue of this act, are authorized to construct any such private drain or sewer, it shall be lawful for the said board, or their agents, to enter upon any of said lots and to construct thereon such drain or sewer, and for that purpose to have free ingress and egress upon said lot or lots, with men and teams, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work.

Constructing of
privies, etc.

§ 14. The said board shall have power to regulate the construction of privies, and the manner of cleaning the same, and to construct and regulate the construction of

cess-pools, and provide for the draining of privies and cess-pools, and like notices shall be served, so far as may be, and like proceedings had, and like measures taken for collecting the cost and expense, as is hereinbefore in this act provided in the case of repairs of sidewalks.

§ 15. The said board of public works are hereby empowered to issue all bonds now authorized to be issued under the law of this State incorporating a board of sewerage commissioners for the city of Chicago, approved February 14, 1855, and under an act in addition to the same, approved February 14, 1859. Sewerage bonds.

§ 16. For the carrying out of the purposes and objects of this chapter, the said city shall have power to borrow from time to time, as the board of public works and the common council of said city shall deem expedient, a sum of money not exceeding five hundred thousand dollars, upon the credit of said city of Chicago, and said board shall have power, by and with the approval of the common council, to issue bonds pledging the faith and credit of said city, for the payment of the principal and interest of said bonds; but no bonds shall be issued until the common council shall have approved of such issue, by a vote of a majority of all the aldermen by law authorized to be elected, and all bonds issued by said board, before they shall be binding upon said city, shall be marked approved by the mayor and clerk of said city, under the seal of said city, and such signature and seal shall be conclusive evidence to the holder of said bonds, of the fact of such approval: *Provided*, that all sales of sewerage loan bonds, which may be issued by said board, shall be made only by the comptroller of said city, who on making such sales shall deposit the proceeds thereof with the city treasurer to the credit of the sewerage fund, and shall file with the said board a duplicate receipt of the said treasurer for the amount of such deposit: *Provided, also*, that all funds derived from the sale of the sewerage loan bonds of said board, or otherwise, for the sewerage works of said city, shall be exclusively used and appropriated by said board, to the objects and purposes pertaining to the sewerage of said city, herein specified, nor shall the same or any part thereof, be used by the said board, for any other purpose. Borrowing of money and issue of bonds.

§ 17. It shall be the duty of the said board, at any time when they shall desire to make an issue of bonds, as herein authorized, to make a report to the common council, setting forth the nature and amount of work proposed to be executed, and the amount which will be required by them for such purposes, within a period to be stated by them in said report, which report shall be accompanied by an estimate of the cost of the things required to be purchased and of the work to be done; and the common council may thereupon approve the issue of the whole amount of bonds, Report and estimates of costs.

called for by such report, or such part thereof as the common council may deem expedient.

Rate of interest
on bonds.

§ 18. The said bonds shall bear interest not exceeding seven per cent. per annum, and shall not be sold at a rate which will net to the said board, less than their par value, unless the common council of said city, shall, by a vote of a majority of all the aldermen elected, authorize the comptroller of said city to sell the same at a lower rate, and then only at such rate as shall be fixed by said council: *Provided, however,* that reasonable commissions to brokers or agents employed in procuring the sale or negotiation of said bonds, may be paid by said comptroller.

Bonds—registry
of.

§ 19. It shall be the duty of said board to keep an accurate register of all bonds and all interest coupons, issued for the construction of said sewerage works, showing the number, date, and amount of each bond and coupon, and to whom issued or sold, and when and where payable, and the particular bonds at any time outstanding.

§ 20. It shall be the duty of the comptroller of the city of Chicago, to keep such a record of all bonds, now or hereafter to be issued for the sewerage of said city, as shall at all times exhibit the number and amount of such bonds outstanding, the rate of interest, and when and where the principal and interest are payable.

Purchase of
bonds and re-
issued.

§ 21. It shall be the duty of the comptroller of said city to pay the interest on said sewerage loan bonds, and also the principal as the bonds shall become due. The said comptroller, when there are funds for that purpose, may with the approval of the said board, purchase any such sewerage loan bonds, whether the same have become due or not; and in case there are not sufficient sewerage funds in the treasury of said city, to meet all of the said bonds, when the same shall become due, the said board shall have the right to issue new bonds, in the same manner as hereinbefore provided, for such amount, and on such time, as the said board and the common council of said city shall deem expedient, in the place of bonds so becoming due as aforesaid; the said old bonds to be canceled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

Report of yearly
estimate.

§ 22. It shall be the duty of the board to report to the comptroller, on or before the first day of May in each year, the amount which will be required to be raised for the municipal year next ensuing, to meet the payment of interest to accrue during said year on all the bonds theretofore issued, or which are during said year to be issued, for the sewerage of the said city.

Sinking fund.

§ 23. It shall be the duty of the said board further to report to the comptroller, at the time named in said last section, such amount as they shall, upon calculation, find necessary in order to provide a sinking fund for the liquida-

tion of the bonds so issued as aforesaid at the maturity thereof: *Provided*, that the amount to be raised for such sinking fund shall not exceed two per cent. of the amount of bonds theretofore issued, and which are during said year to be issued for the sewerage of said city.

§ 24. The said board shall at the same time also report to the comptroller the sum which will be by them required to pay salaries and incidental expenses, and for the cleaning and repairing, and for the proper maintenance of the sewers of said city. The reports required in this and the two preceding sections shall be laid by said comptroller before the common council with his annual estimate.

Salaries and incidental expenses.

§ 25. The amount which shall be so reported to the common council as provided in said last three sections, shall be raised by the said common council by a special tax on the property of the city, to be designated sewerage tax, which shall be collected in like manner with the other taxes of said city; and the amounts so collected shall be paid over by the collector of said city to the city treasurer, who at the end of each month shall report to the board of public works the amount of the sewerage tax paid over to him during such month.

Special tax.

§ 26. It shall be the duty of the said board to direct the comptroller of said city to invest the amount heretofore raised or hereafter to be raised to provide a sinking fund for the liquidation of said bonds, and such investment shall be by the purchase of said bonds, or other bonds of the city of Chicago, and in like manner to invest the interest received on such last mentioned bonds, and to invest and re-invest said sinking fund and all proceeds thereof in such manner as to make the same available for the liquidation of the said bonds. All such investments shall be made in the name of the said city, and shall be designated as the sewerage sinking fund, and shall in no case be used or appropriated for any other purpose whatsoever than the liquidation of the said bonds. The annual report of said board shall specify in full the nature and amount of the respective securities in which the said sinking fund is invested. The annual report of said board shall state the progress and condition of the sewerage works, shall also show the amount of sewerage loan bonds outstanding, and all debts outstanding on account of the sewerage works, and the amount due from parties to the city for the sewerage works, and shall accurately and clearly exhibit all the expenditures of the said board on account of the same, which financial statement shall be certified by the commissioners of said board under oath.

Sinking fund for liquidation of bonds.

§ 27. The said board shall have power to authorize the comptroller of said city to raise by temporary loan upon the credit of said city of Chicago, with the approval of the common council, such sums of money as may be needed for the

Temporary loan for payment of interest.

payment of the interest on the said bonds, or the outstanding obligations of the said city on account of the sewerage works, and for which there shall be no funds in the hands of the treasurer of the said city; but in all cases such temporary loans shall be provided for out of the first sewerage tax, or other revenues on account of the sewerage works, received into the city treasury.

§ 28. All accounts pertaining to the sewerage works of said city shall be kept separate and distinct from the accounts pertaining to other departments of said board; and all moneys deposited with the city treasurer, on account of the sewerage works, shall be by him kept separate and distinct from all other moneys, as the sewerage fund, and shall only be applied for the uses and purposes for which the same were received.

Injury to sewers
punished.

§ 29. If any person shall willfully or maliciously, obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed, provided or used in said city for the purposes specified in this act, he shall be subject to indictment, and upon conviction thereof shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court.

General rules and
regulations.

§ 30. It shall be the duty of the board to make all necessary rules, regulations and restrictions concerning the public and private sewers or drains of said city and to report to the common council the regulations which shall be adopted by them, and the common council shall thereupon pass an ordinance establishing such rules and regulations and providing penalties for their violation, which penalties may be enforced in any court having jurisdiction of any offenses against any of the ordinances of said city.

§ 31. The provisions hereinbefore contained, for the establishment of a sinking fund shall be deemed and taken as a part of the contract with the parties purchasing said bonds, and shall not be repealed or modified so as in any manner to impair the security thereby afforded to the said bond holders.

§ 32. All acts or parts of acts, inconsistent with the provisions of this chapter are hereby repealed.

CHAPTER XVII.

MISCELLANEOUS AND SUPPLEMENTARY.

Publication of
laws and ordi-
nances.

§ 1. Every ordinance, regulation or by-law, imposing any penalty, fine, imprisonment, or forfeiture, for a violation of its provisions, shall, after the passage thereof, be published six times in the corporation newspaper, and proof of such publication by the affidavit of the printer or publisher of

said newspaper, taken before any officer authorized to administer oaths, and filed with the city clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, or by-law, in all courts and places.

§ 2. All ordinances, regulations and resolutions, now in force in the city of Chicago, and not inconsistent with this act, shall remain in force, under this act, until altered, modified or repealed by the common council, after this act shall take effect.

§ 3. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in, and prosecuted by, the corporation hereby created.

§ 4. All property, real, personal or mixed, belonging to the city of Chicago, is hereby vested in the corporation created by this act; and the officers of said corporation now in office, shall respectively continue in the same until superseded in conformity to the provisions hereof; but shall be governed by this act, which shall take effect from and after its passage. City property.

§ 5. This act shall not invalidate any legal act done by the common council of the city of Chicago, or by its officers; nor divest their successors under this act, of any rights of property or otherwise or liability which may have accrued to, or been created by, said corporation prior to the passage of this act.

§ 6. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant or freeholder in the city of Chicago, in any action or proceeding in which the said city shall be a party in interest. Jurors and witnesses.

§ 7. All officers of the city, created conservators of the peace by this act, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace, and, if necessary, detain such persons in custody over night in the watch-house, or other safe place, and shall have and exercise such other powers as conservators of the peace, as the common council may prescribe. Arrests.

§ 8. The cemetery lots which have been or may hereafter be laid out and sold by said city for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment. Cemeteries exempt from tax.

§ 9. It shall be lawful for the recorder's court to sentence criminals convicted of offenses committed in the city of Chicago, punishable by imprisonment in the county jail, to imprisonment in the city bridewell, to be there kept at labor.

§ 10. The city of Chicago shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the city, or by any court or

magistrate, to the jail of Cook county, for any offense punishable under the statutes of this State.

Appeals taken by
city.

§ 11. When in any suit the city of Chicago prays an appeal from the judgment of any court in this State to a higher court, it shall not be required to furnish an appeal bond; nor shall any affidavit of merits be required of said city in any suit to which it is a party defendant, to entitle it to defend the same. No suit shall be brought against the city except in a court of record; nor shall any writ of execution be issued for the collection of any judgment recovered against said city.

§ 12. All ordinances of the city, when printed and published by authority of the common council, shall be received in all courts and places without further proof.

§ 13. This act shall be deemed a public act, and may be read in evidence without proof; and judicial notice shall be taken thereof in all courts and places.

Previous laws in
force.

§ 14. Nothing in this act contained shall be held to repeal either of the following acts, to-wit: "An act to adjust and settle the title to the wharfing privileges in Chicago, and for other purposes," approved February 27th, 1845, and "An act to amend an act entitled 'An act to adjust and settle the title to the wharfing privileges in Chicago, and for other purposes,' approved February 27th, 1847, and in relation to wharves and docks in said city," approved February 11th, 1853; but both of said acts, with the exception of the fifth section of the first mentioned act, are hereby ratified and continued in force.

Claims' commis-
sioners.

§ 15. Section sixty-six and a half of the act amendatory of the city charter, approved February 18th, 1861, constituting a board of claims' commissioners in and for said city, is hereby repealed.

Aldermen hold-
ing over in office

§ 16. All aldermen now in office, and whose terms by virtue of previously existing laws will not expire until the year 1864, shall represent in the common council the respective wards in which they reside, as the same are hereby established, to the end of the term for which they were chosen; but if, in any case, more than two such aldermen shall happen to reside in the same ward, two of them, to be designated by lot, shall retain their seats as above provided, and the other or others shall retire from office on the first Monday of May next. Two aldermen shall be chosen, at the next annual election, in each of said wards which would not otherwise be fully represented in the common council. But no alderman shall be then chosen in any ward which, by virtue of the provisions of this section, will be fully represented in the common council during the ensuing municipal year.

Election of com-
missioners of
board of public
works.

§ 17. One commissioner of the board of public works shall be elected at the next annual election to succeed the commissioner whose term of office will expire on the first

Monday of May next. That one of the other two commissioners, now in office, having the shortest term to serve, shall continue in office until the first Monday of May, 1865, and the one having the longest term to serve shall continue in office until the first Monday of May, 1867, at which several times their respective terms of office shall expire. The provisions of this section shall also extend to and include the commissioners of the board of police, except as to the time of their continuance in office, which shall be until the first Monday of May, 1864, for the one having the shortest term to serve, and until the first Monday of May, 1865, for the one having the longest term to serve.

§ 18. Any vacancy now existing in the office of police justice, or which may occur before the first Monday of May next, may be filled in the manner prescribed by present laws; but the police justices then in office shall hold only until the election and qualification of their successors.

§ 19. The two guardians of the reform school, now in office, having the longest term to serve, shall continue in office until the first Monday of June, 1865; the two guardians having the next longest term to serve shall continue in office until the first Monday of June, 1864; the other three guardians shall continue in office until the first Monday of June next; at which several times their respective terms of office shall expire.

Reform school
guardians.

§ 20. The supervisors now in office, who were elected from the different wards of the city of Chicago as they were heretofore constituted, shall continue in office until the expiration of the term for which they were chosen. At all future elections for town officers, one supervisor shall be elected in each of the wards of said city, as the same are hereby established.

Ward super-
sors. visors.

§ 21. The offices of overseer of the poor, commissioner of highways, overseer of highways, and pound master, in and for the towns of North Chicago, South Chicago and West Chicago, respectively, are hereby abolished; and hereafter the town clerk of neither of the said towns shall receive for his official services a compensation exceeding one hundred dollars a year; nor shall it hereafter be lawful to raise a tax for town purposes in either of said towns exceeding one thousand dollars a year in any one year. All school property and all other public property of every description in the towns of North Chicago, South Chicago and West Chicago, shall belong and be forthwith transferred to the city of Chicago. All moneys in the hands of the treasurer of Cook county or in the hands of any town officer or agent collected or raised for school purposes, or for the construction or repair of highways or bridges, in either of said towns, including money received for licenses, and all such moneys as shall hereafter come into the hands of said treasurer or other officer, shall be paid over to the treasurer of

Offices abolished.

Transfer of school
property.

the city of Chicago, and said moneys shall be applied by said city to the purposes for which the same were collected or raised.

§ 22. The first election of all city officers to be chosen by the people, shall be held, except as is herein otherwise provided, on the third Tuesday of April next.

§ 23. This act shall not operate or be construed to extend to any railroad company any rights, privileges or benefits which they do not now possess under their respective acts of incorporation or existing laws.

Railroads in city.

Application of railroad company to judge circuit court for leave.

Appeals from decision of circuit judge.

Running of regular trains not to be interfered with.

§ 24. Whenever any railroad or railway company which has been heretofore or may hereafter be authorized to extend its railway track along the streets and alleys and across and over the waters controlled by the city within the limits of said city, shall desire to use the track or tracks of any other railroad or railway company in said streets and alleys and across the waters controlled by said city within said limits for the passage of their cars and engines and the transaction of their business or either, it shall be lawful for such company to apply by petition to the judge of the circuit court of Cook county, for such leave, and the owner or owners of such track or tracks so desired to be used having been first notified to appear and answer to such petition, it shall be the duty of said court to appoint three commissioners to determine the time or times, mode, manner, extent, and rates, at which such track or tracks may be used as aforesaid, and the said commissioners shall grant a certificate to the party or parties so applying, setting forth in such certificate their decision, and the party applying as aforesaid, acting in pursuance of such certificate, shall be authorized to use such track or tracks, in compliance with such certificate. An appeal may be taken by either party to the circuit court of Cook county from such decision. All proceedings in said court and before said commissioners when so appointed shall be conducted in the manner provided for the condemnation of rights of way, in an act to amend an act for the condemnation of rights of way, entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22d, A. D., 1852, and the amendments thereto. The provisions of this section shall not authorize the use of the railway track of any party for the running of the regular trains of another party, or in such manner as in any way to interfere with the running of the regular trains, or materially with the general business of the party owning such railway track, and such use of such railway track, and the cars and the engines passing over the same, shall be under the exclusive direction and control of the superintendent of the railway the track of which is so used, and shall be limited to the railway tracks laid down in, along, and over, the streets, alleys and waters of said city, as hereinbefore stated.

Whenever by the use of any such track under any decision made as above specified, either party shall deem the terms of said use unjust, or inequitable, or to require revision, he or they may have a readjustment of the same upon application and hearing in the manner herein above provided.

§ 25. This act shall take effect from and after its passage.

APPROVED February 13, 1863.

AN ACT to incorporate the city of Shelbyville, in Shelby county.

In force February 16, 1863.

ARTICLE I.

OF THE BOUNDARIES.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Shelbyville, in the county of Shelby, and State of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the "City of Shelbyville," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity; and may have and use a common seal, and alter the same at pleasure.

§ 2. The following district of country shall be included within the boundaries of said city of Shelbyville, to wit: One half of a mile north, west, and south from the south-east corner of lot number one, in block number ten, in the original town of Shelbyville, and one-fourth of a mile east from the south-east corner of said lot one; and also, Thomas Lewis' addition, Charles C. Scovil's addition, Earp & Tackett's addition, and Crane & Stevenson's addition to said town of Shelbyville. Boundaries.

§ 3. Any tract of land adjoining said city of Shelbyville, which has been laid off into town lots and duly recorded as an addition to the town of Shelbyville, and any tract which may hereafter be so laid out and duly recorded, shall be annexed to and form a part of the city of Shelbyville. Addition to city.

§ 4. The inhabitants of said city, by the name and style of the "City of Shelbyville," shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever, and to purchase, receive and hold property, both real and personal, in said city; and to purchase, and hold real property, beyond the limits of said city, for burial grounds for the use of the said inhabitants, and to sell, lease, convey, and improve property, both real and personal, for the use of said city, and to do all things in relation thereto as natural persons. Corporate powers.

ARTICLE II.

OF THE CITY COUNCIL.

§ 1. There shall be a city council, to consist of a president and four councilmen.

§ 2. The board of councilmen shall be elected by the qualified voters of the city, and shall serve for one year.

Qualification of councilmen.

§ 3. No person shall be a member of the city council who is not, at the time of his election, a resident of the city, twenty one years of age, a citizen of the United States, or who shall not, at the time of his election, have been a resident of the State for twelve months, and be a freeholder in said city.

Quorum.

§ 4. The city council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections, and a majority shall constitute a quorum.

Rules and records

§ 5. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and shall keep a complete record of its proceedings; and the yeas and nays, when demanded by any member, shall be entered on the record.

Vacancies.

§ 6. All vacancies that may occur in the city council, during the year of service, shall be filled by the council.

§ 7. The president and council shall take an oath, before entering upon the duties of office, that they will well and truly perform the duties of their office, to the best of their skill and ability, and such other oath as the constitution and laws of the State may require.

§ 8. The city council shall meet at such times and places as may be prescribed by ordinance.

ARTICLE III.

OF THE PRESIDENT.

§ 1. The chief executive officer of the city shall be a president, who shall be elected by the qualified voters of the city, and shall hold his office for two years, and until his successor shall be elected and qualified.

§ 2. No person shall be eligible to the office of president who shall not have been a resident of the city for one year next preceding the election; who shall not be at least twenty-five years of age; who shall not be a citizen of the United States and who shall not be a freeholder in said city.

Filling of vacancies.

§ 3. Whenever any vacancy shall occur in the office of president, it shall be filled by election, as may be prescribed by ordinance; and in all contests, as to the election of president, the council shall decide.

§ 4. The president shall preside at all meetings of the council, and shall have the casting vote only; and, in case of his absence at any meeting of the council, a chairman *pro tem.* shall be appointed by the council. President.

§ 5. The president, or any two councilmen, may call special meetings.

§ 6. The president is hereby authorized to call on all able-bodied inhabitants of said city, over the age of eighteen years, to aid in the enforcing the laws and ordinances; and any person who shall not obey such call shall forfeit and pay a fine of not exceeding ten dollars. Enforcing of laws

§ 7. The president shall be conservator of the peace of said city; shall have power, generally, to administer oaths and to issue writs and process under the seal of the city; to take depositions, the acknowledgment of deeds, mortgages and other instruments in writing, and certify the same, under the seal of the city, which shall be good and valid in law; and he shall receive for such services the same fees as clerks of the circuit court. Powers of president.

§ 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent power and jurisdiction with justices of the peace in all civil and criminal cases within the county of Shelby, arising under the laws of this State; and for such services, in such cases, he shall receive the same fees and compensation as justices of the peace. Jurisdiction of justice of peace.

§ 9. In case the president shall be guilty of a willful and palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of his duties, he shall be liable to indictment in the circuit court of Shelby county, and, upon conviction, shall be fined not exceeding two hundred dollars; and the court shall have power, upon the recommendation of the jury who may try said indictment, to add to the judgment of the court that he be removed from office. Penalty for official misconduct.

§ 10. In all cases before the president, arising by ordinance or otherwise, appeals shall be allowed to the circuit court of Shelby county, in the same manner as in similar cases before justices of the peace.

ARTICLE IV.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

§ 1. The city council shall have power to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half per centum upon the value thereof, and may enforce the payment thereof by ordinance, not inconsistent with the constitution and laws of this City taxes.

State. And the term "property," as used in this act, shall be construed to mean the same as the word "property," as used in the general revenue laws of this State.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisor of streets, collector, and all such officers as may be necessary to carry out the objects of this act, and the by-laws and ordinances passed in pursuance thereof.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds, with sufficient penalty and security, and also take an oath, for the faithful discharge of their duties.

§ 4. To appropriate money, and provide for the payment of the debts and expenses of the city.

§ 5. To make all necessary regulations to secure the health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

§ 6. To provide the city with water, and to erect hydrants and pumps in the streets, for the convenience of the public.

§ 7. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, squares, avenues, lanes and alleys.

§ 8. To erect and keep in repair bridges; to provide for lighting the streets and erecting lamp posts.

§ 9. To establish, maintain and regulate night watches.

§ 10. To establish markets, erect market houses and places, and provide for the government and regulation of the same.

§ 11. To provide for the erection of all needful buildings for the use of the city.

Public grounds.

§ 12. To provide for inclosing, improving and regulating all public grounds belonging to the city.

§ 13. To license, tax and regulate auctioneers, merchants, grocers, retailers, taverns, ordinaries, saloons, hawkers, peddlers and pawnbrokers.

Carriages, etc.

§ 14. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rate to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.

§ 15. To license and regulate porters.

Exhibitions.

§ 16. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

§ 17. To restrain, prohibit and suppress gaming houses, bawdy and other disorderly houses.

§ 18. To suppress gaming of all kinds.

Fires, etc.

§ 19. To provide for the prevention and extinguishment of fires; and to establish fire companies.

§ 20. To regulate the fixing of chimnies, and to fix the flues thereof.

21. To regulate the storage of gunpowder and other combustible materials.

22. To establish standard weights and measures, and regulate the same, to be used in the city, not repugnant to the laws of this State. Weighing and measuring.

23. To provide for the inspection and measurement of lumber, and other building materials.

24. To provide for the inspection and weighing of hay, stone-coal, and the measurement of charcoal and firewood.

25. To provide for the inspection of beef, pork, flour, meal, butter, lard, and other provisions.

26. To provide for taking the enumeration of the inhabitants of the city. Census.

27. To regulate the size of brick to be used or sold in the city.

28. To regulate the election of city officers, and provide for the removal from office of any person holding an office by ordinance. Election.

29. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act, or under any ordinance.

30. To regulate the police of the city; to impose fines, forfeitures and penalties, for the breach of any ordinance, and to provide for the appropriation and recovery of such fines and forfeitures, and the enforcement of such penalties. Police.

31. To regulate, suppress and prohibit billiard tables and bowling alleys.

§ 32. The city council shall have power to make all ordinances which shall be necessary and proper to carry into execution and effect the powers specified in this act, and which may be necessary for the good government and general health and improvement of the city, not repugnant to the constitution and laws of this State. Ordinances.

§ 36. The style of the ordinances shall be, "*Be it ordained by the City Council of the City of Shelbyville.*"

§ 37. All moneys, collected under any city ordinance, shall be deemed and taken to belong to the city, and shall be appropriated and disposed of by the council, for the use and benefit of the city.

§ 38. All ordinances, within one month after their passage, shall be published in some newspaper in said city, or posted up in four public places thereof, and shall not be in force until five days after such publication or posting. Publication of ordinances.

§ 39. All ordinances of the corporation may be proved by the seal thereof, and when printed in book or pamphlet form, and purporting to be printed by the authority of the corporation, or when shown with the seal of the corporation attached thereto, the same shall be received in evidence in all courts and places, without any further proof. Printing of laws.

ARTICLE V.

PROCEEDINGS IN SPECIAL CASES.

Compensation
for damages to
property.

§ 1. When it shall be necessary to take private property for opening, widening, extending or altering any street, lane, avenue or alley, the corporation shall make just compensation therefor, and when the same cannot be agreed upon, the president shall cause a jury of twelve persons, disinterested and freeholders of the city, to ascertain said compensation; and the person whose property is proposed to be taken shall have ten days' notice of the intention to select the jury aforesaid, and may appear at the office of the president and exercise the same privileges of challenge as persons can in civil cases in the circuit courts of this State.

§ 2. In case the person whose property it is proposed to take shall be a non-resident, notice of the selection of said jury, and the object of said selection, and the time and place when and where the selection will be made, shall be given by publication in some newspaper published in said city, at least thirty days before the time for selection, and then the same rights shall be enjoyed as in section one of this article.

Petition for
streets, etc.

§ 3. When the owners of all the property on any street, avenue, lane or alley, shall petition for opening, widening, or altering the same, the city council may open, widen or alter the same, as may be prescribed by ordinance.

Assessing of
damages.

§ 4. In all cases, in taking private property as provided in this article, the *venire* for a jury shall be issued by the president, and the jury shall be first duly sworn, and shall estimate only the value of the property to be taken, and having determined this, shall return their inquest, under their hands and seals, to the president; and until the value of the land so proposed to be taken shall be paid to the proper person, or, in case his absence from the city, shall be placed in some safe deposit, the land shall not be appropriated.

§ 5. When such inquest shall be properly returned, the president shall report the same to the city council, and the clerk of the council shall thereupon give ten days' notice, in some newspaper published in said town, that the inquest has been returned, and that on a certain day it will be confirmed by the council, if no objections are made to appear. Objections may be heard by the city council, and the hearing may be adjourned, from day to day, for that purpose. The council shall have power to confirm or annul the inquest, and for that purpose shall make the necessary order on the record, or may order a new inquest; in case of which, the same proceedings shall be had as provided in this article.

Appeals.

§ 6. Any person interested may appeal from the final order of the city council to the circuit court of Shelby

county, by giving notice, in writing, to the clerk of the council, at any time before the expiration of thirty days from the passage of the final order. In case of appeal the city clerk shall within twenty days after notice to him, return all papers connected with said inquest to the clerk of the circuit court. Upon the trial in the circuit court all questions involved in said proceedings, including the value of the property, shall be heard and determined; and either party shall be allowed a jury.

§ 7. The city council shall have power to levy and collect a special tax on the owners of lots on any street, lane, avenue or alley, according to their respective fronts, for the purpose of grading, paving or planking sidewalks, filling up streets and alleys, lighting the same, and for any necessary improvement thereof and keeping the same in repair; to be collected the same as other taxes: *Provided*, said tax shall not exceed the cost of the work. Special street tax.

ARTICLE VI.

MISCELLANEOUS PROVISIONS.

§ 1. All taxes and assessments levied by the city council, which shall not be paid as fixed by ordinance, shall be collected as the council may prescribe by ordinance, not inconsistent with the constitution and laws of this State; and full power is hereby given to adopt the mode and manner as specified in an act entitled "An act to amend the charters of the several towns and cities in this State," passed March 1st, 1854. The collection of taxes.

§ 2. All able bodied male inhabitants in said city, over twenty-one years of age, shall be required to labor on the streets, avenues, lanes and alleys, not exceeding two days in each and every year, under such penalty as may be prescribed by ordinance; and the said inhabitants shall be exempt from working on or paying any tax for any road beyond the limits of the city. Street labor.

§ 3. The city council shall have power to provide, by ordinance, for the punishment of any offender, by imprisonment in the county jail, in any case, upon failure to pay fines and forfeitures and penalties, as provided by this act or by ordinance; and the said city council is hereby authorized to use the said jail for said purpose.

§ 4. All ordinances, heretofore passed, or that may be passed, by the president and trustees of the town of Shelbyville, shall remain in full force until repealed by the city council.

§ 5. All actions brought to recover any fine, penalty or forfeiture under this act or under any ordinance of the city council, shall be brought in the corporate name. It shall Suits at law.

be lawful to declare, in debt, for the same, stating the section of the law or the ordinance under which the fine or penalty is claimed, and to give the special matter in evidence. In all such cases, where the fine or penalty is under one hundred dollars, the president shall have full jurisdiction, and shall commence the prosecution by warrant.

§ 6. This act is hereby declared to be a public act, and shall be read in evidence in all courts of law or equity, without proof.

§ 7. All acts or parts of acts, inconsistent with the provisions of this act, except as hereinbefore excepted, are hereby repealed.

§ 8. The city marshal or any officer authorized to execute writs or other process issued by the president, shall have power to execute the same within the limits of the county of Shelby, and shall be entitled to the same fees as are allowed to constables in similar cases.

Term of office of councilmen.

§ 9. The present president and trustees of the town of Shelbyville, as at present incorporated, are hereby appointed trustees of said town, and shall hold their offices until the first Monday of April, A. D. 1863, and until their successors are duly elected and qualified; and on the first Monday of April next, and on the first Monday of April in every year thereafter, an election shall be held for four councilmen of said city, who shall hold their offices for one year and until their successors are elected and qualified. Ten days' notice of said first election shall be given by the present president and trustees, through their clerk, by publication in some newspaper in said town, or by posting up notices thereof in four of the most public places of said city, of the time and place of said election; and a similar notice shall be given for the election of councilmen in all cases hereafter.

Term of office of president.

§ 10. At the same time provided for the election of four councilmen, the president, hereinbefore provided for, shall be elected, who shall hold his office for two years, and until his successor is elected and qualified. Returns of the election of said president shall be made as provided by the laws in relation to justices of the peace, and he shall be commissioned by the Governor, as other justices of the peace. Notice shall be given for the election of said president, as well as of said council, and in the same manner.

§ 10. This act shall be in force from and after its passage.
APPROVED February 16, 1863.

AN ACT to amend the City Charter of the City of Monmouth, in the County of Warren, and State of Illinois. In force February 21, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the charter of said city as gives the city council of said city the power to establish, regulate and support common schools, within said city, be and the same is hereby repealed: Re-organizat'n of schools in city.
Provided, that the city council of said city shall, as soon as may be, after the passage of this act, proceed to reorganize the common schools of said city, under and in conformity with the general school laws of the State; and when, and as soon as said schools shall be so reorganized, the powers of said city council over said schools shall cease; and all school property, real and personal, belonging to said schools, and all rights of action in favor of the same, now vested in said city council, shall, by virtue hereof, be transferred to and vested in the like officers in the township of Monmouth, in said county, as other school property is vested in the various towns, by virtue of the general school laws of this State.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1863.

AN ACT to amend an act entitled "An act to incorporate the Springfield Water-works Company," approved February 21st, 1861. In force February 21, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of section second of said act to incorporate the Springfield water-works company, approved February 21st, 1861, as requires a "Board of Water Commissioners" to be elected on the first Tuesday of April, in the year of our Lord one thousand eight hundred and sixty-four, and on the first Tuesday in April, annually, thereafter, is hereby repealed. Election of board of water commissioners.

§ 2. The city council of the city of Springfield may order an election, at any time hereafter, for said "Board of Water Commissioners," when said council may deem it expedient.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1863.

In force February 20, 1863. AN ACT to amend an act entitled "An act to amend an act to charter the city of LaSalle," approved February 12th, 1853.

Renewal of loan. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one, of "An act to amend an act to charter the city of La Salle," approved February 12th, 1853, be and the same is hereby so amended as to authorize the city council of the city of La Salle to renew the loan of a sum of money therein specified, every successive period of time, not exceeding ten years, while the exigencies of said city may require the same.

§ 2. This act to take effect from and after its passage.

APPROVED February 20, 1863.

In force January 22, 1863. AN ACT to amend an act entitled "An act to incorporate the city of Cairo."

Filling and grading of streets. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The city council of said city of Cairo shall have power, from time to time, to cause any street, avenue or highway, or portion of any street, avenue or highway, in said city, to be filled, re-filled, graded, re-graded, leveled, paved, re-paved, macadamized, or planked and repaired, and to alter and change the same, and to assess and collect the expense of the same, upon and from the lots bounding, abutting or fronting on the street or portion of street so filled, graded, leveled, paved, macadamized, planked or repaired; said assessment to be collected in such manner as the city council may prescribe: *Provided*, the owners of two-thirds of the lots fronting or abutting on said improvement shall petition for the same, or said improvements shall be ordered by the unanimous vote of the city council: *And, also, provided*, that the owner or owners of any lot fronting or abutting on said improvement shall have the right, for a reasonable time, to be fixed by the city council, to fill, grade, pave or plank, in front of his, her or their own lot or lots, and receive a proportionate credit therefor.

§ 2. The provisions of section eight, of article seven, of the act to which this is an amendment, shall be held to apply to this act.

§ 3. This act shall take effect from its passage.

APPROVED January 22, 1863.

AN ACT to repeal certain acts therein named.

In force February
3, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to incorporate the city of Warsaw," approved Feb. 12, 1853, and an act entitled "An act to reduce the act incorporating the city of Warsaw and the several acts amendatory thereof into one act and to amend the same," and all acts passed in aid of either of the aforesaid acts, be and the same are hereby repealed.

Warsaw city
charter repealed

§ 2. That the territory embraced within the boundaries mentioned in the last of the above mentioned acts, be and the same is hereby declared to constitute a town, in the county of Hancock, and State of Illinois, for county, school and all other purposes, as much so, in all respects, as if the same constituted a complete congressional township, and had been properly established by the county authorities, and shall, at the next general election, elect all such town officers as other towns in said county are required to elect.

Declared a town.

§ 3. That all the estate, both real and personal, heretofore or now held by the board of education for the city of Warsaw, is hereby declared to be vested in the school trustees to be elected under the provisions of this act, in the same manner that the school property of other towns in this State is now by law held.

Disposal of school
property.

§ 4. That all suits now pending in favor of the said board of education, in any court of this State, for the recovery of money or property, are hereby declared to be pending in the name of the trustees of schools hereafter to be elected, under the provisions of this act, and in whom the school property is hereby vested, in the same manner as in other towns in this State, acting under township organization.

Suits pending.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED February 3, 1863.

AN ACT to amend an act entitled "An act to incorporate the city of Peoria," in force Dec. 3d, 1844, and the several acts amendatory thereto.

In force February
12, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of refunding moneys taken from the railroad interest fund of the city of Peoria, and used for the payment of certain bonds issued to the board of school inspectors of said city, and maturing in the year 1862, the city council of said city shall have power and are hereby authorized to

Issue of city
bonds.

issue the bonds of said city, signed by the mayor, and countersigned by the city clerk of said city council, in such sums not exceeding in all the sum of ten thousand dollars, and payable at such times, not exceeding twenty years from their date, and at such place or places, with semi-annual interest coupons attached, as the said city council may deem proper. All of said bonds which shall be made payable in the city of Peoria shall bear an interest not exceeding eight per centum per annum, and those made payable in the city of New York, or elsewhere out of the city of Peoria, not exceeding seven per centum per annum, payable semi-annually. The principal and interest of said bonds to be paid out of the tax of one mill authorized to be levied and collected by the act approved, January 29, 1857, entitled "An act to amend an act entitled an act to amend the charter of the city of Peoria and to establish and regulate a system of public schools in said city."

Change of time
in term of office.

§ 2. The mayor, clerk, attorney, treasurer, collector and marshal of said city, who were elected on the second Tuesday in March, A. D., 1862, and those who may be elected to said offices every year thereafter, shall hold their respective offices from one year from the first day of April following their election, and until their successors are elected and qualified.

§ 3. That the several aldermen and their successors in said city, who were elected on the last Monday of November, 1860, and whose term of office expires on the second Tuesday in March, 1863, shall hold their respective offices until the second Monday in April, 1863, and until their successors are elected and qualified; and that the several aldermen in said city who were elected on the second Tuesday in March, A. D. 1862, shall hold their respective offices until the second Monday in April, 1864, and until their successors are elected and qualified.

Appointment of
assessors.

§ 4. That the city council of the said city of Peoria shall have power to appoint such number of assessors as said council may deem to be for the interest of said city, and shall establish districts for said assessors and alter the boundaries thereof as occasion may require.

§ 5. The city clerk of the said city shall have power to administer any oath required to be taken by the act incorporating the city of Peoria, the several acts amendatory thereto, and the ordinances of said city, and acknowledge deeds, and shall receive for said services the same compensation as is now allowed by law.

Time of holding
elections.

§ 6. The annual election for the officers of said city shall be held hereafter on the second Monday in April, in each and every year, at which election there shall be elected one mayor, one clerk, one attorney, one treasurer, one collector, and one marshal, who shall hold their respective offices for the term of one year from and after such

election, and until their successors are elected and qualified ; and at the said annual election there shall be elected one aldermen from each and every ward of said city, who shall hold their respective offices for the term of two years from and after such election, and until their successors are elected and qualified.

§ 7. The annual election of school inspectors of said city of Peoria, now held on the first Monday in April in each and every year, shall hereafter be held on the second Monday in April in each year, and said inspectors shall hold their respective offices for the term of three years from the second Monday in April following their election ; and the three school inspectors whose term of office expires on the first Monday in April, A. D., 1863, shall hold their respective offices until the second Monday of April, 1863, and until their successors are elected and qualified. At the same time, the legal voters of said city shall vote for or against the tax authorized to be levied and collected for the support of the public schools for the ensuing year, by an act approved February 14, 1855, entitled "An act to amend the charter of the city of Peoria, and to establish and regulate a system of public schools in said city."

Election of school inspectors.

§ 8. That all the district of country in the county of Peoria embraced in township eight (8) north, range eight (8) east of the fourth principal meridian, in the State of Illinois, and to the middle of the Illinois River and Lake Peoria is hereby declared to be within the corporate limits of the city of Peoria.

City limits.

§ 9. The election to be held under and by the provisions of this law, the giving notices of said election shall be done in the same manner and under the same rules and regulations as now provided by the city charter, State laws and the ordinances of said city of Peoria.

Election notices.

§ 10. That all laws and ordinances, and parts of laws and ordinances inconsistent with this act be and the same are hereby repealed, and this act shall be and hereby is declared to be a public act and shall take effect from and after its passage.

APPROVED Feb. 12, 1863.

AN ACT to authorize the Common Council of the city of Chicago to borrow money. In force February 12, 1868.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the common council be and they are hereby authorized and empow-*

State bridge. street ered to borrow twelve thousand dollars, to aid in building a bridge across the Chicago river, at State street, in said city, and that they be authorized to issue city bonds therefor, to the amount of twelve thousand dollars, with such rate of interest as they may think best, not exceeding seven per centum per annum.

§ 2. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED Feb. 12, 1863.

In force April
12, 1863.

AN ACT to perfect the boundaries of the City of Morris.

Boundary lines.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the boundary line of said city of Morris shall begin at the northeast corner of section number three, (3,) in township number thirty-three, (33,) north, of range number seven, (7,) east of the third principal meridian; running thence west two miles, to the northwest corner of section number four, (4); thence south along the west line of sections number four (4) and nine, (9,) to a point four (4) rods south of the top of the south bank of the Illinois river; thence, in an easterly direction, along said bank, following the course of said river, four (4) rods south of the top of the bank of said river, until it intersects the east line of the southeast quarter of section number three (3); thence north, along said east line of section number three, (3,) to the place of beginning.

APPROVED Feb. 12, 1863.

In force February 16, 1863. AN ACT to authorize the election of Supervisors in the various wards of the city of Springfield, Illinois.

Additional supervisors.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the legal voters in the several wards in the city of Springfield shall be entitled to elect, annually, one supervisor in each ward, in addition to the township supervisor to which the township of Springfield is now entitled to, under the general township organization law; and the several supervisors, so elected, shall be members of the board of supervisors of Sangamon county, and shall have, possess and enjoy all the rights, powers and privileges that are now or hereafter shall be

possessed and enjoyed by the several township supervisors of the said county of Sangamon.

§ 2. At the first city election, after the passage of this act, held at the time now fixed by law for the election of city officers, each ward shall elect one supervisor, in the same manner and under the same rules and regulations as the city aldermen are now elected; and the returns of said elections shall be made to the town clerk of the town of Springfield, within six days from said election. Said clerk shall immediately make out and deliver certificates of election to the persons who shall be elected in the different wards, in accordance with this act, and the persons so elected shall thereupon enter upon the duties of their office as ward supervisors. Making returns.

§ 3. The board of supervisors of Sangamon county are hereby empowered to provide for as many voting places as may be necessary in Springfield township, and to appoint judges of election in the same.

§ 13. This act shall be in force from and after its passage.

APPROVED February 16, 1863.

AN ACT amendatory of the several acts relating to the City of Quincy, to provide for raising a revenue therein, and regulating costs arising under the charter and ordinances of said city. In force February 14, 1863.
3

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the collection of the revenues of said city of Quincy, whether general or special, the said city shall compose but one collection district; and at each annual charter election in and for said city, there shall be elected a collector of the revenue for said city; and all laws, ordinances and duties appertaining to the collection of and accounting for city taxes, shall apply to such collector, and he shall perform all the duties required or to be required by law and the charter and ordinances of said city relating to the collection of and accounting for the city taxes. He shall keep a public office during the time of collecting such taxes, at the court house, in said city, or at such place as the city council of said city may designate. Said collector shall give such bond and security as said city council shall direct and require, to be approved by said city council, and filed and recorded in the office of the city clerk of said city. Election of revenue collector.

§ 2. That the said collector of the revenue, and all or any of the officers whose election is provided for by the seventh section of the act entitled "An act to confirm an act Filling vacancies.

entitled 'an act to reduce the law incorporating the city of Quincy, and the several acts amendatory thereof into one act and to amend the same,' approved January 30th, 1857, and to amend the same, and to legalize all acts of the said city under the provisions of said act, or any other acts heretofore passed in respect to the rights or powers of said city," approved January 26th, 1859, shall be subject to the control of the city council of said city; and in case of the death or disability of said collector, or any of the aforesaid officers, the vacancy or vacancies or office shall be filled by appointment by said city council. The person so appointed to such office shall hold the same until the next general election for city purposes, held in said city.

Security for costs

§ 3. The city of Quincy shall not be required to give security for costs in any prosecutions or suits arising under the charter or ordinances of said city.

Gaslight tax.

§ 4. The city council of said city shall have power to levy and collect, annually, taxes on real and personal property within the limits of said city, as follows: On real and personal property within, or which may hereafter be within portions of said city lighted with gas, to meet the expenses thereof, not exceeding twenty-eight cents on each one hundred dollars per annum on the annual assessed value thereof. On all real and personal property within the limits of said city, to meet the expenses of obtaining school grounds, and erecting, repairing, and improving school buildings and school grounds, and providing teachers, and maintaining public schools in said city, and to be devoted exclusively for such purposes, not exceeding twenty-five cents on each one hundred dollars per annum on the annual assessed value thereof: *Provided*, that no more than eighteen cents on each one hundred dollars aforesaid shall be levied in any year for such purposes without the concurrence of a majority of the votes of the legal voters of said city, to be cast at an election to be ordered by said city council, and held to determine the rate per cent. so to be levied. On all real and personal property within the limits of said city, to pay the debts and meet the general expenses of said city, not exceeding fifty cents on each one hundred dollars per annum on the annual assessed value thereof.

General tax.

Street tax.

§ 5. All laws and parts of laws other than the provisions hereof, touching the levy or collection of taxes on property within said city, except those regulating such collection, and all laws conflicting herewith are hereby repealed; but this act shall not affect taxes of said city relating to streets or alleys, or to licenses, of whatever nature, nor any source of revenue other than taxes upon real or personal property.

§ 6. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED February 14, 1863.

AN ACT to authorize the City of Galesburg to borrow money, to be appropriated for the erection of County buildings. In force February, 14, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the mayor and common council of the city of Galesburg, in the county of Knox, are hereby authorized to call an election of the legal voters of said city, at such time and place as they may deem expedient, to vote for or against the borrowing and appropriating such sum of money, by said mayor and common council, as, in their judgment, may be requisite for the purpose of erecting or aiding in the erection of a court house or other county buildings, and procuring a site for the same, which it may become necessary to erect and procure in case the county seat of the county of Knox shall be by law removed to the city of Galesburg, and to prescribe the form of ballot, and to regulate the proceedings at such election. Calling of election by mayor.

§ 2. In case a majority of the legal voters of said city of Galesburg, voting at such election, shall vote in favor of said law and appropriation, specified in section first of this act, it shall then be lawful for the mayor and common council of the said city of Galesburg, and they are hereby authorized, to borrow said money, and make such appropriation; and said mayor and common council shall be further authorized to make arrangements, and enter into contract, jointly, with the board of supervisors of said county of Knox, or otherwise, for the erection of said county buildings and purchase of said site. Borrowing of money.

§ 3. In case a majority of the legal voters, voting at such election, shall vote in favor of said loan and appropriation, it shall be lawful for said mayor and common council to issue bonds to secure said loan, payable at any time, to be therein specified, within twenty years, bearing such rate of interest, not exceeding ten per cent. per annum, as may be specified in said bonds; and said bonds, when issued under the authority of said mayor and common council, shall be valid and binding on said city. Issue of bonds.

§ 4. Said mayor and common council shall have power to levy such a tax, at such time or times, as they may deem expedient, to be assessed on the real and personal property in said city subject to taxation, as may be necessary to meet and pay said bonds; and said money, so borrowed by said city, for the purpose mentioned in the preceding sections, and to pay all such sums of money as may be authorized to be raised and appropriated by the provisions of this act, and all such expenses as may be incurred in carrying the same into effect; which shall be levied and collected in the same manner as the city taxes of said city of Galesburg are by law authorized to be levied and collected. Levy of tax to pay bonds.

Contract for erection of court house.

§ 5. Said mayor and common council shall have power to enter into contract with the board of supervisors of said county of Knox for the erection, at the joint expense of said county and city, of the court house and county buildings aforesaid, and for the joint use, by said city and county, of said buildings, and purchase of said site, either prior or subsequent to the holding of such election; but in case the same shall be entered into prior to said election, said contract shall have no validity or effect, unless a majority of the legal votes cast at said election shall be given in favor of said loan and appropriation of money aforesaid; and when so ratified by a majority of the legal votes cast at such election given in favor of said loan and appropriation, said contract shall be in full force and effect.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED February 14, 1863.

In force February 18, 1863.

AN ACT to amend "An act to incorporate the Rosehill Cemetery Company," approved February 11, 1859.

Preamble.

WHEREAS the lotholders in Rosehill cemetery have become fearful that the said cemetery may, after the lots therein shall have been sold, come to be neglected and left without care; therefore, to prevent the possibility of such result, the Rosehill cemetery company proposes these amendments to its charter:

Permanent fund provided for.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be set apart and kept, to be reserved and expended as hereinafter provided, the sum of ten per centum, or one-tenth part of all the proceeds hereafter to be received from the sale of lots by the Rosehill cemetery company, incorporated by that name by an act approved February 11, 1859, until the sum so reserved and set apart shall amount to one hundred thousand dollars.

Fund—for what purpose created

§ 2. That the aforesaid sum of one hundred thousand dollars shall be kept and preserved as a fund, for all time to come, for the preserving, maintaining and ornamenting the grounds, lots, walks, shrubbery, memorials, boundaries, structures, and all other things, in and about said cemetery, and belonging to said corporation, so that the purpose and intention thereof shall be carried out, and so that said grounds shall be and continue as cemetery grounds forever.

How created and invested.

§ 3. That the said corporation, by its proper officers, shall pay over the said ten per cent. of all sales of lots, from time to time, and as often as they shall be thereunto re-

quired, to three trustees, who are hereby constituted the "Board of Trustees of the Rosehill Cemetery," who shall be owners of lots in said Rosehill cemetery, and who shall be appointed as hereinafter provided, who shall keep the said fund in their possession until a sufficient amount has accumulated to purchase such one of the securities hereinafter provided, as shall be deemed best by the said trustees, and as often as there shall be a sufficient accumulation for the purpose as above provided. The said trustees shall invest the said fund in the bonds or securities of the city of Chicago, the bonds or securities of the county of Cook, the bonds or securities of the State of Illinois, or the bonds or securities of the United States, as they shall deem best; or, if no such bonds can be had, then in other state securities of the highest value, looking to their safety and the amount of interest to be received therefrom. The said bonds or securities, so purchased, shall be at once deposited in the custody of the mayor and comptroller of the city of Chicago, as a special deposit—the said bonds having been first plainly indorsed as belonging to the safety fund of the Rosehill cemetery. The said fund, when so invested, shall be kept and held for the uses and purposes specified in the second section of this act, and no other.

§ 4. It is hereby directed that only the interest or increase of the sum invested under the authority of this act shall be expended for the purposes herein specified. Increase only to be used.

§ 5. The said trustees may, in their discretion, and whenever they believe the securities belonging to said fund may be improved or increased, or the receipts therefrom increased, change the same from time to time, always preserving or reserving the capital sum, and expending only the interest or profits therefrom.

§ 6. Whenever the principal sum of any of the bonds or securities so held, as aforesaid, shall become due and payable, the said trustees may cause the same to be collected, and the proceeds thereof to be invested in the same manner as is provided in the third section of this act. When bonds mature, may be collected and re-invested.

§ 7. Whenever the interest or coupons upon any of the said bonds or securities shall become due and payable, the said trustees shall collect the same, and shall cause the amount of the said interest or income to be at once expended upon the said cemetery grounds, for the purposes above provided, in such manner as they shall deem proper: *Provided*, that the same shall be expended by and with the advice of the board of managers of said cemetery company, as long as said board of managers shall continue to exist. Accruing interest to be used.

§ 8. The said board of trustees, created under this act, or hereafter to be appointed, may bring suits at law or in equity against the said Rosehill cemetery company, or do any other matter or thing to carry out the spirit and intent of this act, and may restrain the said corporation from sell- Trustees may bring suits.

ing lots in said cemetery grounds, in case of failure to pay over and account for the said tenth part of lots sold, as is hereby provided and directed.

Appointment of trustees.

§ 9. That Frederick Tuttle, C. N. Holden and L. B. Sidway, are appointed the first board of trustees, under this act; that said board of trustees shall hold their offices as follows: one until the first day of May, 1865, one until the first day of May, 1867, and one until the first day of May, 1869, and until their successors are appointed; that at the first meeting of said trustees after the passage of this act, the said trustees shall determine, by lot, which of said terms of office shall be held by each of them, respectively, and shall notify the board of managers of said cemetery company of the same.

New trustees—how selected.

§ 10. At the expiration of the term of office of either of said trustees, or their successors, it shall be the duty of the board of managers of the said cemetery company to call a meeting of the lotholders of said cemetery, who shall elect a new trustee, who shall hold his office for the term of six years, from the first of May, in the year in which his term of office properly commences, and until his successor is appointed; and in case the said board of managers shall fail to call a meeting, as aforesaid, then, on the application of ten owners of lots in said cemetery, the said remaining trustees shall call a meeting of the lotholders, who may proceed to elect, as above provided; and in case the office of any trustee shall at any time become vacant, by death, resignation or otherwise, a new trustee may be elected, for the unexpired term, at a meeting of lot owners, to be called as is herein above provided for in case of the expiration of the term of office of any trustee; and in case said board of trustees shall have become extinct, or shall fail or refuse to call a meeting, as above, then any ten lot owners may call a meeting of lot owners in said cemetery, by advertising the same in two daily papers published in the county of Cook, for at least ten days previously thereto, at which a trustee may be elected, as above.

Additional powers conferred.

§ 11. All the rights, powers and franchises conferred by an act of the General Assembly of this State, approved February 24, 1859, entitled "An act to amend an act entitled 'an act to incorporate the Carlinville Cemetery Association,'" approved February 18th, 1853, are hereby granted to and conferred upon said Rosehill cemetery company, its successors and assigns. But all applications under said powers shall be made to the county judge of Cook county, and notices in such proceedings published in any newspaper in the city of Chicago.

Vacancies in board of consultation—how filled.

§ 12. All vacancies in the board of consultation of the said cemetery company shall be filled by the election of the lotholders, at any meeting holden for the election of trustees, as above provided.

§ 13. Whenever the said Rosehill cemetery company shall, by its board of managers, vote to accept this act as a part of the charter of the said company, and shall file for record in the office of the recorder of the county of Cook, a certificate, signed by the said board of managers and the executive officers of the said company, and attested by the seal of the said company, showing that the said company have so accepted this act, from the date of filing of the said certificate, this act shall become a part of the charter of said company; and the said Rosehill cemetery company shall be bound by the same as fully and completely, in all respects, as by the act incorporating the said cemetery company, to which this is an amendment.

This act, after acceptance, to become part of charter.

§ 14. This act and the act hereby amended are hereby declared to be public acts, and as such are to be recognized and considered.

§ 15. This act shall take effect from and after its passage.

APPROVED February 13, 1863.

AN ACT to incorporate the Chicago Dock Company.

In force February 13, 1863.

Be it enacted by the People of the State of Illinois, represented in the General Assembly—

SECTION 1. That Dean Richmond, John Young, Burden B. Sherman, John H. Dunham, Peter L. Yoe, George Watson, and their associates, are hereby created a body politic, under the name and style of "Chicago Dock Company." As such, shall have perpetual succession, and may sue and be sued in any court whatever; with powers and privileges as are hereinafter provided.

Corporators.

§ 2. The capital stock of said company shall not exceed one million of dollars, in shares of one hundred dollars each; but when one hundred thousand dollars shall have been actually subscribed, and twenty-five thousand dollars paid in, in cash, the said company may organize and proceed to business under this charter.

Capital stock.

§ 3. The business and the corporate powers of said company shall be exercised by a board of directors, not exceeding five, nor less than three. The three last above named corporators shall be members of the first board; and, annually, thereafter, after its organization, the stockholders shall elect directors. The directors shall have power to make such by-laws, for the conducting of its business, as are not inconsistent with the laws of this State or the United States.

Directors.

§ 4. It shall be lawful for said company to lease, purchase, hold and convey all such real and personal estate as

May hold and convey property.

may be necessary to carry on their business, as well as such real and personal estate as they may deem it necessary to acquire, in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell or exchange the same for other property, as they may determine that the interests of the company may require. And the said company are hereby authorized to make, execute and issue, in the transaction of their business, all necessary receipts, certificates and contracts; which receipts, certificates and contracts shall bear the impress or stamp of the seal of the company, and shall be signed by the president or vice president, and countersigned by the secretary or treasurer thereof.

Powers of company.

§ 5. The said company shall have power to receive upon storage, deposit or otherwise, grain, flour, provisions, freights, stocks, bonds, merchandise, warehouse receipts, bills of lading, railroad and transportation certificates, and evidences of debt, and other property, and to take the management, custody and control of the same; and to advance moneys, give receipts, grant credits, and give security, upon any property, real and personal, and guaranty payment upon freight bills, bills of lading, warehouse receipts, and evidences of debt, on such terms, and at such rates of interest, not exceeding ten per cent. per annum, as may be agreed upon. All warehouse receipts, certificates, or other evidences of the deposit of property, issued by said company, shall be deemed, in the hands of the holder thereof, as absolute title to the ownership of said property, both in law and equity.

May sell property stored, etc.

§ 6. It shall be lawful for said company to sell, at public auction, or private sale, as may be specified in the contract between the parties, all property, of what kind soever, mentioned in or affected by said contract, after ten days shall have elapsed from the time of the maturity of any obligation under said contract, or immediately upon the discovery of any fraud, misrepresentation or concealment, in regard to the ownership, character or any other matter relating to the property mentioned in or affected by said contract, and to reimburse themselves, out of the avails of such sale, for the moneys due them, with the interest, storage, cost and charges, and to indemnify themselves for any loss they may have sustained by the nonfulfillment of said contract.

Care of property deposited, etc.

§ 7. It shall be the duty of said company to use all reasonable care and diligence in the keeping of all property deposited with them; but they shall not be deemed insurers thereof; and in case any property deposited with the said company, upon which any advances shall have been made by them, shall, before the maturity of the contract, from any cause, decrease in value from the price originally fixed, said company may give notice to the owner of such property, or

his agent, to perform the conditions of the contract, or make good the deficiency caused by such decrease in value; and, in default thereof, may sell and dispose of such property, at public sale, and out of the proceeds thereof may retain the amount due them under the contract, together with the costs, charges and expenses.

§ 8. The stock of said company shall be transferable only on the books of the company.

§ 9. This act shall take effect from and after its passage, and be deemed a public act, and liberally construed as such.

APPROVED February 13, 1863.

AN ACT to incorporate the "Chamber of Commerce of the City of Chicago." In force April 14 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John C. Hilton, T. J. S. Flint, Charles H. Walker, Thomas Harless, Asa Dow, Clinton Briggs, Henry Milward, Thomas B. Taylor, S. M. Johnson, Hugh McLennan, M. C. Stearns, V. A. Turpin, Hugh Adams, Hiram Wheeler, W. F. Coolbaugh, Walter S. Gurnee, Marcus D. Gilman, Myron H. Norton, Potter Palmer, William M. Ross, William R. Arthur, John B. Turner, John F. Tracy, John V. Ayer, David Kreigh, Horatio Read, of the city of Chicago; and F. W. Leonard, of Pekin; J. M. Rollins, of Quincy; G. B. Stiles, of Dixon; Tobias S. Bradley, of Peoria; N. H. Ridgely, of Springfield; George Woodruff, of Joliet; and John D. McIntire, of Pekin, in the State of Illinois, their associates and successors, are created a body politic and corporate, under the name and style of the "Chamber of Commerce of the City of Chicago;" and by that name shall have succession; may sue and be sued, implead and be impleaded, in any court of law and equity; receive and hold property, effects and hereditaments, real and personal, by gift, devise, purchase or acquisition, and dispose of the same, by gift, lease, sale or otherwise; and they and their successors shall have a common seal, and may alter and change the same at their discretion; and may make such rules, regulations, and by-laws, and change the same, as may be necessary and proper for the government and for the management of the business of the corporation hereby created.

§ 2. All the finance and business concerns of the corporation shall be managed and conducted by a board of directors.

§ 3. The board of directors shall consist of a president, vice president, and eleven directors, all of whom shall be residents of the State of Illinois. They shall be elected by ballot—each share holder having a vote for each share of

which he shall be the owner on the first Tuesday of March of each year. Their term of office shall continue for one year from said date or until their successors shall be elected and qualified. In case of any vacancy, the same shall be filled by like election, to be held after ten days' notice given by the president of said board; which said notice shall be given at the request of any member of the corporation. Seven of the members composing said board shall constitute a quorum for the transaction of business.

Vacancies, how
filled.

Quorum.

§ 4. The time and manner of holding elections, and making and appointing of said officers and appointees, as are not named in section third of this act shall be established by the by-laws and regulations of said corporation.

By-laws, etc.

§ 5. The said corporation shall have the right to make such by-laws, rules and regulations as they may adopt for the government of said corporation, and the admission and expulsion of members: *Provided*, no person shall ever be rejected or expelled for religious or political tenets; and no member shall be expelled or any penalty inflicted upon said member for any offense against said corporation, except upon conviction, after due notice, and a fair trial and hearing in the presence of the accused,—(unless said member has absconded,)—who shall be permitted to examine and cross-examine witness upon said trial. The testimony taken at said trial, if requested by either party, shall be taken in writing, and accessible to either, for reading, copying or publishing the same.

Referees, etc.,
may be appoint-
ed.

§ 6. Said corporation may constitute and appoint committees of reference and arbitration, and committees of appeals, who shall be governed, in their practice, by the customs and usage of arbitrations and awards, for the settlement of such matters of dispute and difference between members, as may be voluntary submitted for arbitration by members of the said corporation. The acting chairman of either of said committees, when sitting as arbitrators, as aforesaid, may administer oaths and affirmations, and issue subpoenas and attachments, compelling the attendance of witness, the same as justice of the peace, in the county of Cook, and in like manner deliver to any constable or the secretary of said corporation, to execute—who are hereby empowered to execute the same.

Appeals from
awards—how ta-
ken.

§ 7. When any submission shall have been made, in writing, and a final award shall have been rendered, and no appeal taken within the time fixed by the by-laws, then, in filing such award, together with any written exceptions that may be filed in said submission by either party, in any court of record, where such arbitration shall be held, or in any court of record, where the party against whom said award may be found resides, and judgment entered thereon, and execution issued, in the same manner and under the same rules and regulations that other awards may be entered

under and by virtue of the permission of the seventh chapter of the Revised Statutes, entitled "Arbitrations and Awards," writs of error may be had and appeals taken from the decisions of the court, in the same manner as is prescribed in said chapter.

§ 8. It shall be lawful for said corporation, when they shall think proper, to receive and require of and from their officers, whether elected or appointed, good and sufficient bonds, for the faithful discharge of their duties and trusts; and the president and secretary is hereby authorized to administer such oaths of office as may be prescribed in the by-laws or rules of said corporation; and bonds shall be made payable and conditioned, as prescribed by the rules or by-laws of said corporation, and may be sued and the moneys collected and held for the use of the party injured, or such other uses as may be determined upon by said corporation.

Bonds.

§ 9. Said corporation shall have power to appoint one or more persons, as they may see fit, to examine, weigh, measure, gauge, or inspect flour, grain, provisions, liquor, lumber, or any other article of produce or traffic commonly dealt in by the members of said corporation; and the certificate of said person or inspector, as to the quality or quantity of any such article, or their brand or mark upon it, or upon any package containing any such article, shall be evidence, between buyers and sellers, of the quality, grade or quantity of the same, and shall be binding upon the members of said corporation or others interested, and acquiescing or assenting to the employment of such weigher, measurer, gauger or inspector; nothing therein contained, however, shall compel the employment, by any one, of any such appointee. That such weighers, measurers, gaugers and inspectors shall have the right to weigh, measure, gauge and inspect all such goods, wares and merchandise, in the place where it may be situate, if the same privilege is granted by the bailee to any appointee of any other corporation, association, company or person, for like purposes.

Inspectors may be appointed.

§ 10. Said corporation may inflict fines upon its members, and collect the same, for breach of its rules, regulations or by-laws; but no fine shall exceed one hundred dollars. Such fines may be collected by an action of debt, in the name of the corporation, before any court of record, or before any justice of the peace, in Cook county, or in the county wherein the party fined shall reside; and any share or shares standing in the name of the member, or so much thereof as shall fully pay and satisfy said fine, together with the costs due in the collection of the same, shall not be transferred until said fine and cost are fully paid.

Fines, etc.

§ 11. The corporators named in this act, or a majority of them, may, upon giving three days' notice, by publication in a newspaper published in Chicago, open books for subscriptions to the stock of said corporation. The shares shall

Books of subscription.

not exceed one hundred dollars each; and whenever twenty subscribers may have paid their subscription, in full, an election of officers may be had and an organization perfected, under this act. In the election of the president, vice president and board of directors, each share shall be entitled to a vote; but nothing herein contained shall authorize any shareholder to vote or have any privileges of the corporation, other than subject to the rules, regulations and by-laws for the regular government of members of this said corporation.

APPROVED February 14, 1863.

In force February
16, 1863.

AN ACT to incorporate the Chicago Post Company.

§ SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That James W. Sheahan, Andre Matteson, James S. Adams, William Piggot, and George W. Morris, and their associates and successors and assigns, are hereby created a body corporate and politic, under and by the name, style and title of "The Chicago Post Company," with perpetual succession; and by that name shall be and are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity in this State or elsewhere; to make, have and use a common seal, and the same to renew or alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act. The capital stock of said company shall be one hundred thousand dollars; the same to be divided into shares of fifty dollars each; which capital shall be used, mainly, in the printing, publishing and binding business, in the city of Chicago, county of Cook, and State of Illinois; and be invested in such engines, printing presses, machinery, types, paper, fixtures and such other articles as may be necessary to carry on the printing, publishing and binding business.

Capital stock.

Objects of company.

§ 2. *And be it further enacted*, That the said company shall, also, have power to manufacture, in the city of Chicago or elsewhere, paper and such other articles as they may use in the business of printing, publishing and binding, as aforesaid; and shall have power to purchase and hold so much real estate and water power as may be necessary to carry out the provisions of this section.

Purchase of real estate.

§ 3. *And be it further enacted*, That the said company shall have power to purchase and hold all such real estate as may be sold under mortgage, trust deed, execution, or

other legal process, to secure and satisfy debts due to the said company.

§ 4. *And be it further enacted*, That the said company shall have power, to purchase and hold so much real estate and lots, not exceeding two hundred (200) feet front on any street in the city of Chicago, and to erect suitable buildings thereon; the same to be used, mainly, in the printing, publishing, binding and manufacturing business, as aforesaid. And all real estate purchased under the provisions of the second and third and this section of this act may be sold, aliened and conveyed, at the pleasure of said Chicago Post Company. All deeds of such real estate shall be made to said Chicago Post Company. And deeds and conveyances made by said company shall be authorized by vote of the stockholders who own or legally represent at least two-thirds of the shares of the stock of said company. And said deeds and conveyances shall be signed by the president and secretary of said company, and be attested by the corporate seal thereof.

§ 5. *And be it further enacted*, That said Chicago Post Company shall have power, to lease such real estate and buildings as may be necessary to carry on the business of said company; and said company may sub-let or lease to others such apartments or rooms in their own building or buildings, leased by them, as may not be needed in the printing, publishing and binding business, as aforesaid.

Lease of prop-
erty.

§ 6. *And be it further enacted*, That the said company shall have power to make all needful and necessary rules for the regulation and direction of its affairs; and, when so made, they shall be binding upon the stockholders of the said company; and said rules, thereafter, shall not be altered, changed or amended, except by vote of the stockholders owning or legally representing at least two-thirds of the shares of the stock of the said company, at some regular meeting; of which due notice shall be given, in writing or otherwise, to all of said stockholders, at least ten days before said meeting.

Rules and regula-
tions.

§ 7. *And be it further enacted*, That whenever stock to the amount of forty thousand dollars shall have been subscribed and twenty-five per cent. thereof shall have been paid, it shall be lawful for the stockholders to commence business, under this act; and they may elect and appoint a president, secretary and treasurer, and such other officers and servants as they may deem necessary, and fix their compensation and term of office, by such by-laws as they may make and establish; and the said stockholders shall be liable, in proportion to the amount of stock severally held by them, for all debts contracted by the said corporation during the time they were stockholders aforesaid and for six months after the assignment of the stock so held by them respectively.

Organization.

§ 8. *And be it further enacted*, That whenever it shall be required of said company to certify to the publication of any advertisement published by them, a certificate, signed by the president and secretary of said company, shall be deemed and taken as a certificate of the publishers of said advertisement.

This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1863.

In force February
11, 1863.

AN ACT to incorporate the Douglas Monument Association.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William A. Richardson, Francis C. Sherman, William B. Ogden, John B. Turner, James Duggan, Samuel H. Treat, William C. Goudy, John D. Caton, Walter B. Scates, Thomas B. Bryan, William Barry, Samuel W. Fuller, Samuel S. Marshall, James C. Allen, John Dement, John M. Douglas, David A. Gage, and John S. Newhouse, and their successors, be and are hereby created a corporate body, under the name and style of "The Douglas Monument Association;" and by that name may sue and be sued; shall have a seal; and exercise all the powers necessary to carry out and effect the purposes of this act.

§ 2. The said corporators shall constitute the first board of trustees of the Douglas Monument Association; and their division into three equal sections, (each section to retire alternately every five years,) heretofore made by the preliminary organization of said association, is hereby ratified and confirmed; and all vacancies in the board, made by such retirement, resignation, disability, death, or otherwise, shall be filled by the remaining members of said board.

§ 3. All persons contributing not less than the sum of one dollar to its objects, shall be considered members of the association, and be entitled to a diploma or certificate of membership.

§ 4. The said corporation is created for the purpose of erecting a suitable monument, in honor of the late Stephen A. Douglas, to be placed over or near his remains, at Cottage Grove, near the city of Chicago; and shall have power to select and decide upon a plan for said monument; to adopt plans for raising and collecting contributions in aid of its construction and completion; and to contract for the construction of the proposed monument.

§ 5. The said board of trustees may organize, by the election of a president, vice presidents, secretary, (who

Names of corpo-
rators.

Board of trus-
tees.

Vacancies.

Members of the
association.

Erection of the
monument.

Officers of board.

may be outside their body,) treasurer, and also an executive committee, together with such other officers or agents as they may deem proper; and they may make and establish such rules and regulations, relating to its meetings and organization, the duties of its officers and agents, and the transaction of its business, as, in their judgment, shall be thought best.

§ 6. The said corporation shall have power to hold such real estate, whether acquired by purchase, gift, or devise, as may be necessary for the purpose of effecting the purposes hereinbefore mentioned, and also have power to take, receive, or hold, real estate, or personal effects, that may be granted, devised, bequeathed, or donated, to said corporation, and to sell and convey the same, for the purpose of aiding the erection and care of said monument, or improving the grounds belonging thereto. Purchase of real estate.

§ 7. The board of trustees shall publish a full account of their proceedings, and of their receipts and expenditures, in behalf of said monument, duly certified, as often as once in each year, for the information of the members of the association and the public.

§ 8. The proceedings and organization of the Douglas Monument Association, had under articles of association, adopted on the 8th day of November, 1861, are hereby confirmed, and shall be treated with like effect as if made by the corporation now created by this act.

§ 9. This act shall take effect and be in force from and after its passage.

APPROVED February 11, 1863.

AN ACT to authorize the drainage of lands in the townships therein mentioned, and to construct roads therein. In force February 21, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Elisha S. Wadsworth, Harley H. Hendee, Isaac H. Smith, Nahum White, Joseph D. Fox, and their associates, successors, etc.,* Corporators.
be and they are hereby created a body corporate and politic, by the name and style of the "Lake County Drainage Commissioners;" and by such name shall have succession, contract and be contracted with, sue and be sued, plead and be impleaded, without a common seal, in all courts of law and equity in this State, and be fully invested with all the powers which may be needful to carry into effect all the purposes and objects of this act. Name and style.

§ 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete and alter Powers of corporation.

ditches, embankments, culverts, bridges and roads, and to maintain and keep in repair any such ditches, embankments, culverts and bridges, over, through and across any lands lying in townships 44 and 45 north, range ten, (10,) east, and township 45 north, range nine (9) east, in Lake county, and over, under and across any public road, railroad or plankroad, which now is, or may hereafter be laid out or constructed, in said townships; and, for such purpose, shall have right of way upon and may appropriate to the purposes and uses contemplated herein, all the lands, stone, timber and materials, of every kind, for the location, construction and alteration of the said ditches, embankments, culverts, bridges and roads, and for the maintenance and repair of any such ditches, culverts and embankments; and upon filing a plat of any such road, laid out by said commissioners in the office of the clerk of the Lake county court, certified by any three of said commissioners, appointed at any regular meeting, to lay out such road, the same shall become a public road, and subject to the laws in force in relation to public roads.

May take land.

§ 3. When any such land, stone, timber or other material cannot be procured by cession, voluntary grant, or release of the owner or owners thereof, the same may be taken and paid for, if any damages are awarded, in manner following, to-wit: When any land, stone, timber or other materials shall be deemed by said commissioners to be necessary for the construction, maintenance or alteration of any such ditch, embankment, culvert, bridge or road, the said commissioners, or any three of them, appointed at any regular meeting of said commissioners, to lay out any such ditch, embankment or road, shall make an appraisal of damage sustained, less the benefit which such owner or owners shall derive from the construction of any such ditch, embankment, culvert, bridge or road. Said appraisal shall describe the land, stone, timber, or other material, with reasonable certainty, and shall be filed with the clerk of the township in which such land, stone, timber or other material shall be situated.

Appeal, by persons aggrieved.

§ 4. Any owner of land, considering himself aggrieved by such appraisal, may appeal from such appraisal, within twenty days after such appraisal shall be filed as aforesaid, to the circuit court of said county, by filing a copy of said appraisal with the clerk of said court, and giving notice of such appeal to the secretary of said commissioners. Such appeal shall be entered upon the common law docket of said court, and the judge of said court, in term time or vacation, as he shall elect, shall hear the parties and such witnesses as may be produced, and affirm or modify, as shall, in his opinion, be just and equitable: *Provided*, that no appeal shall prevent said commissioners from proceeding to construct such ditches, embankments, culverts, bridges and

roads, after they shall have tendered to such party appealing the amount of damages so awarded, if any.

§ 5. The expense of constructing, altering and maintaining any such ditches, embankments, culverts, bridges and roads, together with all costs incurred on account thereof, shall be assessed upon the lands benefited thereby; and the said commissioners, or any three of them, appointed at any regular meeting of said commissioners, hereinafter provided to be held, shall make an assessment, in writing, describing the lands assessed, and setting forth the amount assessed upon each tract, separately; which assessments, certified by the commissioners making the same, shall be delivered over for collection, to the county treasurer of Lake county, who is hereby authorized and required to collect the same.: *Provided, however,* the said commissioners are authorized to collect, receive and appropriate all assessments made as provided herein, and voluntarily paid before delivering such assessment roll to the treasurer, anything herein contained to the contrary notwithstanding.

Assessment of expenses.

§ 6. The said assessment shall be a lien upon the lands upon which they are made, until paid; and in case of refusal or neglect on the part of the owner or owners of said land to pay such assessments, the same provision is hereby made for their collection as is now provided by law for the collection of State and county taxes.

Assessment to be a lien.

§ 7. Said commissioners shall meet from time to time, as they shall appoint by vote at any regular meeting; or on the application, in writing, of any three of said commissioners, it shall be the duty of the secretary to call a meeting of said commissioners, within two weeks from the time of such application, by notice of the time and place of such meeting, published for six days in some daily paper printed in said county of Lake. And said commissioners shall elect one of their number to be their secretary, whose duty it shall also be to keep records of all the proceedings of said commissioners, and files of all reports of surveys and assessments, and all other papers connected with or pertaining to the office of said commissioners; which records and files are hereby declared public records. And any number of said commissioners, together with their secretary, meeting together at the time and place of any regular meeting of said commissioners, shall constitute a quorum for the transaction of all business. And in case the said commissioners hereby appointed, shall be reduced to less than five in number, by death, removal from the county, or resignation, (which shall be tendered in writing to the secretary,) the judge of the circuit court of Lake county, shall appoint some suitable person or persons to fill any such vacancy, under five in number.

Election of secretary.

His duties.

Quorum.

§ 8. Said commissioners shall have power to borrow money from time to time, for the purpose of carrying on and com-

Power to borrow money.

pleting the work authorized to be done by this act, until assessments can be collected to pay the same. They shall also have power, and are hereby authorized to appropriate, from time to time, money sufficient to pay all expenses incurred by reason of any suit or proceeding against any of said commissioners for any act done by or under any order or proceeding authorized by this act.

Compensation of treasurer.

§ 9. The compensation of the treasurer, for the services required of him in this proceeding, shall be the same as that to which he is now entitled for the collection of State and county taxes.

Compensation of commissioners.

§ 10. The commissioners shall receive for their services, a compensation of one dollar and fifty cents per day, in which they may be employed upon said work; and they may employ a surveyor, to assist them in the location of any ditch, embankment, or road, at a rate not to exceed three dollars per day, together with the necessary assistants and laborers; all of which charges shall be deemed part of the necessary expenses of said work.

Commissioners to erect bridges.

§ 11. The said commissioners shall have power and authority to erect and construct suitable bridges over said ditches or embankments, at the crossing of highways, and at such other points as shall seem to them expedient or necessary; the expenses of which shall be assessed as a part of the costs of the aforesaid improvement, and shall be collected in the manner above stated.

§ 12. This act shall be deemed a public act and shall take effect and be in force from and after its passage.

APPROVED February 21, 1863.

In force June 13, 1868.

AN ACT to amend an act entitled "An act to authorize the drainage of lands and the construction of levees, embankments, and roads, in Madison county, Illinois," approved Feb. 19, 1859.

Act of Feb. 19, 1859, amended.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the election to be held under the provisions of section nine, (9,) of the act to which this is an amendment, shall be determined, by a vote of a majority of the land holders voting at such election; and whenever any number of said land holders shall desire such vote to be taken, it shall be the duty of the American Bottom Levee Company to give at least thirty days' notice of the time and place of taking said vote, by publication thereof, in some newspaper printed in the said county of Madison, and also by posting up written or printed notices thereof in at least six of the most public places within the boundaries of the levee constructed by said company.

§ 2. Whenever the work and all the property of the said American Bottom Levee Company shall become the property of the owners of the land, as provided in section ten, (10,) of the act to which this is an amendment, the same shall thereafter be managed by the owners of said land, instead of the county court of Madison county; and the owners of said lands shall thereupon become a body corporate, under the name of the "American Bottom Levee Company;" and said company shall be invested with all the powers in the management of said work and property as is conferred upon the county court of Madison county, in the said section ten, of the act to which this is an amendment; and shall manage the same, under a board of seven directors, to be chosen, annually, by said land owners; which board shall choose a president and secretary, who shall be the acting officers of said company. Said company may contract and be contracted with, sue and be sued, by its corporate name, aforesaid; may have a common seal; and may make such rules and regulations, not inconsistent with the laws of the land, as may be necessary to enable said company to execute the powers and duties conferred on it.

In what case
land owners
may become a
corporation.

§ 3. If any person shall willfully or maliciously dig down, break down, level, demolish or otherwise destroy or damage the levee or embankment which has been constructed by the American Bottom Levee Company, or any part thereof, every person so offending, on conviction, shall be fined in a sum not exceeding one hundred dollars, or be imprisoned not exceeding three months, or both. Anything in the act to which this is an amendment, inconsistent with the provisions of this act, is hereby repealed.

Penalty for dam-
aging levees.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED June 13, 1863.

AN ACT to extend the charter for a ferry across the Mississippi river, therein named. In force February 13, 1863.

Whereas the "Keokuk and Hamilton Ferry and Manufacturing Company," now owning and running a ferry across the Mississippi river, between Hamilton and Keokuk, have expended large sums of money in making roads, bridges, dikes, and embankments, and, for the proper accommodation of the public, will be compelled to expend large additional sums of money, to an amount, at least, equal to many years' proceeds accruing to them from said ferry; now, to insure the full and faithful accommodation of the public, and, at the same

Preamble.

time, to fairly and adequately indemnify the owners of said ferry for advances made and to be made in and about the work necessary to be done about said ferry and buildings,

Keokuk and
Hamilton Ferry
Company to ex-
ist for fifty
years.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said Keokuk and Hamilton Ferry and Manufacturing Company, now owning and running the ferry across the Mississippi river, between Hamilton, Hancock county, and Keokuk, Iowa, their successors and assigns, shall have the exclusive privilege of running said ferry for the term of fifty years, from the first day of May next, landing at their present ferry landings and for the space of two miles above and two miles below said present landing, whether the same shall be upon their own land or at public streets or wharves, or on the land of others, on the Illinois side of said river; and any other person or persons, who shall establish or keep any other ferry across said river, within said limits, shall be liable to the penalties provided by chapter forty-two of the Revised Statutes, entitled, "Ferries and Toll Bridges," *Provided*, they shall keep, at all reasonable times, on said ferry, sufficient and suitable steam or other boat or boats, for the accommodation of the public. And the rate of ferriage shall not exceed such reasonable rates as may be provided by the county court of Hancock county.

Rates of ferriage.

§ 2. This act shall be in force from and after its passage. And all laws, or acts, or parts of acts, inconsistent with this act, or coming in conflict therewith, are hereby repealed.

APPROVED Feb. 13, 1863.

In force February
13, 1863.

AN ACT to establish a ferry across the Kaskaskia river.

Form of charter.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James W. Hughes and Henry Rutter, their heirs and assigns, of the county of St. Clair, are hereby authorized and empowered to keep and own a ferry across the Kaskaskia river, at the town of Fayetteville, in said county of St. Clair, and State of Illinois, for and during the term of fifteen years.

May make roads,
etc.

§ 2. The said Hughes and Rutter, their heirs and assigns, shall have the right to make all necessary roads and other improvements, that they may deem necessary, to insure the safety and convenience of persons and property crossing said ferry; and, for the same purpose, the said Hughes and Rutter, their heirs and assigns, may make new roads, leading to and from said ferry, and have power to condemn lands, for said purpose, paying an equivalent therefor, and

by commissioners appointed for that purpose, to consist of three freeholders of said county.

§ 3. They shall, at all times, keep a sufficient number of good boats, so as to afford a safe and speedy passage to all persons wishing to cross with their teams, stock, carriages, or otherwise, and a sufficient number of hands for that purpose. Boats and management of.

§ 4. The county court of St. Clair county shall have power to fix and establish such rates of ferriage as they may think right, just and proper, and shall also have power to levy and collect, from time to time, such annual tax or license on said ferry as they shall think proper and equitable: *Provided*, the same shall not be lower than other ferries across said river similarly situated. Rates of ferriage.

§ 5. This act shall take effect and be in force from and after its passage, other acts or parts of acts to the contrary notwithstanding: *Provided*, that this act shall not be construed to impair the rights of any other ferry on said river, now or hereafter to be established, nor shall the right to establish roads extend beyond one half a mile from the ferry landing.

APPROVED Feb. 13, 1863.

AN ACT to incorporate the "Helvetia Sharpshooters' Society" of Highland, Madison county, Illinois. In force Feb. 16, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Peter Streif, Albert Bruckner, Barnard Durer, B. A. Suppiger and David Suppiger, and such other persons as shall from time to time become members of said society, are hereby incorporated, and shall be a body corporate and politic, by the name and style of the "Helvetia Sharpshooters' Society," located in Highland, Madison county, Illinois, and under that name shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, in all courts, both of law and equity, in this State; and may have and use a common seal, and the same to alter and amend at pleasure; and by their corporate name and style shall be capable in law of contracting and being contracted with, and of acquiring, by purchase or otherwise, and of holding and conveying real and personal estate, either in fee, or for a term of years: *Provided*, That they shall not, at any one time, name or hold property exceeding in value ten thousand dollars. Corporate name.

§ 2. Said corporation shall at all times have full power and authority to ordain, make and establish such by-laws, Extent of property.

Rules and regulations.

rules and regulations as they shall judge proper, for the better government and regulation of the officers and members of said society, and for ascertaining an equal annual rate of contribution to be paid by the members thereof, in aid of the funds of said society, and for prescribing the time, place and manner of practicing in shooting and the rules regulating the same; such by-laws not to be inconsistent with the laws of this State and of the United States.

Steward to be selected.

§ 3. Said society may select one of its members to act as steward or landlord, furnishing victuals and refreshments, on the premises and in the buildings of the society only, at the days and hours appointed by the executive committee thereof; said steward and landlord to be exempted from license.

Executive committee.

§ 4. That for the better carrying on the business and affairs of said corporation, there shall be annually elected on the first Monday of April of each year, an executive committee, consisting of one president, one vice-president, one secretary-treasurer, one vice-secretary and one sergeant-at-arms, who shall hold their offices for one year, and until their successors are elected and qualified.

Suits at law.

§ 5. In all suits at law or equity brought against this society, or in any suit brought by this society against any of its members, or against any other person or persons, any member of this society shall be admitted as a competent witness.

§ 6. This act to be in force from and after its passage.

APPROVED February 16, 1863.

In force February 21, 1863. A BILL for an act to amend the charter of the Greenville Mutual Fire Insurance Company.

Name of corporation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the "Greenville Mutual Fire Insurance Company" be and is hereby changed to the "Adams Insurance Company," and by that name said company shall hereafter be known.

Location of office

§ 2. All acts done and all contracts or obligations due from said company, under the name of "Greenville Mutual Fire Insurance Company," shall be assumed and faithfully performed as fully as though the name of the company had not been changed; and all acts and things authorized to be done at Greenville, in the county of Bond, and State of Illinois, shall be lawful if done at Freeport, in the county of Stephenson, and State of Illinois.

Insurance against wind, lightning, etc.

§ 3. In addition to insuring against loss or damage by fire, this company may make insurance against loss or dam-

age by lightning, wind and the risk of inland navigation and transportation, and any other insurance: *Provided*, said company shall not engage in life insurance; and may receive for insurance such premium as may be agreed upon between the person or persons insuring and this company.

§ 4. The members of this company shall be and are hereby bound to pay their proportion of all losses and expenses happening and accruing during the time for which their policies are issued, and to the amount of their premium notes, and no more.

Proportion of
losses.

§ 5. All statements made in any application for insurance shall be binding upon the insured and a warranty upon his, her or their part.

§ 6. Whenever any assessment is made upon any premium note given to said company, and the maker thereof shall neglect or refuse to pay the amount claimed by said company, for the space of thirty days after notice of such assessment has been issued by said company and duly mailed, post paid, directed to the post office address, as represented upon his, her or their application of insurance, made to said company, his, her or their policy, to whom notice is issued, shall be void and of no effect, until such assessment is paid; and said company may proceed at law and collect the whole amount of the premium note or notes, with costs of suit; and in case an action is brought for the recovery of any assessment due said company, the certificate of the president or secretary, under seal of said company, shall be taken and recived as *prima facie* evidence, in all courts and places whatsoever.

Assessments up-
on premium
notes.

§ 7. The persons named in the first section to which this act is an amendment, together with Hiram Bright, William P. Malburn and Charles L. Currier, shall be the first directors of said company, unless said company shall have been organized before the passage of this act. The board of directors shall consist of not less than five nor more than fifteen members, to be elected by ballot or by proxy—if by proxy, the proxy offered at any election shall contain the certificate of the secretary of said company that the person offering to vote by proxy is at the time of the election a member of said company. Five directors shall constitute a quorum, for the transaction of business. All meetings of the board of directors and executive committee may be called in a manner prescribed by the by-laws of said company. And this company shall have power to issue policies for any term of years, not exceeding ten.

First board of di-
rectors.

Quorum.

§ 8. The board of directors may appoint an executive committee, consisting of three of the directors of said company, who shall have all the powers of the board of directors, when the board of directors are not in session; and all contracts and obligations signed by a majority of such executive committee shall be as binding as though done by the

Executive com-
mittee.

board of directors: *Provided*, a note is given for the cash premium, or any part thereof, in consideration of any policy of insurance, such policy shall be in full force, provided such note is paid when due; if not paid when due, the policy shall be void. Vacancies occurring in the board of directors, by the death, resignation or removal of any directors, may be filled, for the remaining term, by a majority of the board of directors remaining.

Time for organi-
zation.

§ 9. Said company shall organize, under the provisions of this act, within two years from the passage of this act, and, failing or neglecting so to do, this act shall be void and of no effect.

Limit of risks.

§ 10. Said company may take, in one risk, an amount not to exceed five thousand dollars; and may cause themselves to be reinsured in any other company, upon the whole or any part of any risk which said company may have issued a policy of insurance.

§ 11. All contained in this act—to which this act is an amendment, conflicting with the provisions of this act, is hereby repealed; and this act, together with the act to which this act is an amendment, are hereby made public acts, and to be liberally construed for the purposes therein mentioned.

§ 12. This act to take effect and be in full force and effect, from and after its passage.

APPROVED February 21, 1863.

In force June 10,
1863.

AN ACT to incorporate the "State Insurance Company."

Corporate name.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That James Mitchell, Jerry Pattison, Thomas Long, John R. Rosebrough, Andrew P. Young, and their associates, successors and assigns, be and they are hereby created a body corporate and politic, by the name and style of the "State Insurance Company;" and by that name shall have and enjoy all the rights, privileges and immunities that other insurance companies have for insurance purposes; but nothing contained in this act shall authorize said company to engage in any banking business or to issue any notes, to circulate as money or currency.

Banking privi-
leges prohibited.

Use of funds.

§ 2. The said company shall have power to make insurance and take risks on all kinds of property, and may take any kind of risk that they may deem proper, and charge and receive such premiums therefor as may be agreed by and between the parties, either upon mutual or stock principle, or both, and may use, invest or loan its capital or

surplus funds, in such way and manner as the directors may judge that the interest and welfare of the company require, at such rates as private persons may legally do by the laws of this State, and may divide the business or risks into two or more classes, upon such conditions as may be regulated by the by-laws.

§ 3. Said company may establish agencies, either in or out of this State, and do all acts, not inconsistent with the constitution and laws of this State or of the United States, as may seem necessary or convenient to carry out the full objects of this act; and may make such by-laws, ordinances and resolutions, as may seem necessary or convenient, for their regulation and government, and for the management of their affairs. Agencies.

§ 4. Said company may sue and be sued, appear, prosecute and defend, in any court of record or other court or place whatsoever, and shall be recognized as a corporation, in all courts. Suits at law.

§ 5. This act shall be void, unless the directors organize the company at Freeport, in the county of Stephenson, within one year from its passage; but the directors are authorized to carry on and conduct the business of the company at any place in this State. Time to organize.

§ 6. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

APPROVED, June 10, 1863.

AN ACT to amend the charter of the Rock River Insurance Company. In force June 10, 1868.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at the next annual meeting for the election of directors of the Rock River Insurance Company, [the said company] may elect five directors, in place of fifteen, as now authorized; and, upon the election of the said five directors, the terms of the present directors shall expire, and the five so elected shall enter immediately upon their duties and hold their offices for one year, and until others are elected in their places, in accordance with the by-laws of the company. Number of directors reduced.

§ 2. The home office of said Rock River Insurance Company shall continue to be in Rockford, but the said company may establish agencies and do business at any other place deemed proper, and may insure all classes of property against loss or damage by fire, lightning, wind, or storm, including the risk of inland navigation and transportation, life or other risks, deemed proper by the directors of said company. Company may establish agencies.

Directors shall
determine rates,
etc.

§ 3. The directors shall determine the rates of all classes of risks, to be paid in whole or in part by premium notes, subject to assessments, whenever deemed necessary by the directors, or in whole or part in cash. All notes taken by said company, for insurance, shall be a lien on the property of the assured, as mentioned in section 8, of the charter of said company.

Quorum.

§ 4. A majority of the directors shall constitute a quorum, for the transaction of business, and may choose an executive committee, of three or more, with full power to act when the board is not in session.

§ 5. This act shall be in force from and after its passage.

APPROVED June 10, 1863.

In force February
18, 1863.

AN ACT to amend the charter of the American Insurance Company, of Freeport, Illinois.

May take risks
against light-
ning.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said company may, in addition to insuring against loss or damage by fire, insure against loss or damage by lightning or any other risk that may be deemed proper, except to engage in the business of life insurance of persons. Any person receiving a policy of insurance from said company shall be bound by the provisions of this act, and the charter to which this act is an amendment.

Assessments.

§ 2. Assessments upon any premium or deposit note may be made at any time the directors of said company may deem necessary for the payment of losses and expenses of said company; and all premium or deposit notes shall be liable for their proportion of losses and expenses accruing in and to said company during the time for which the policy was issued, unless the policy be surrendered to the company; and in that case assessment shall be paid to the date of canceling of policy; and the person or persons giving a premium or deposit note shall not be exempt from payment of their proportion of losses and expenses, notwithstanding his, her or their policy may have expired previous to receiving notice of the amount assessed. Premium notes shall be delivered to the person or persons giving such notes, on demand, at the end of the term for which the policy was issued, by the payment of all assessments for losses and expenses of the said company for and during the term for which the policy was issued, or to the date of canceling of policy for which the note was given.

Notice of assess-
ments.

§ 3. It shall be sufficient notice to any member of said company of the amount assessed upon his, her or their pre-

mium or deposit note, to deposit in the post office at Freeport, a printed or written notice, inclosed in an envelope and directed to his, her or their post office address, as written on his, her or their application for insurance, such notice to be post paid; and in case an action is brought for the recovery of any assessment due said company, the certificate of the president or secretary of said company, under the seal of the said company, stating the amount of such assessment and mailing of notice, shall be taken and received as *prima facie* evidence in all courts and places whatsoever. The records of said company, or copies thereof, duly authenticated by the signature of the president or secretary, under seal of the company, shall be competent evidence in any suit in which said company may be a party.

§ 4. For the security and safe keeping of the books, notes and papers of the said company, it shall be lawful for the directors to build, or cause to be built, a fire-proof building, with a good and substantial fire-proof vault, and pay for the same in the manner provided for the payment of losses and expenses of the said company, such building to be the property of the said company, and may be converted into money, and applied in payment of losses and expenses of the company. Security of papers, books, etc.

§ 5. This act and the charter of said American Insurance Company, shall be public acts, and liberally construed for the purposes therein mentioned. This act shall take effect and be in force from and after its passage.

APPROVED February 13, 1863.

AN ACT to amend an act entitled "An act to incorporate the Tornado Insurance Company. In force February 12, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first section of the act to which this is an amendment be and the same is hereby so amended, that the name "Tornado Insurance Company," be and the same is hereby changed to "Fire and Tornado Insurance Company;" and that said company may make insurance on all descriptions of property against loss or damage by fire and lightning, in addition to loss or damage by tornadoes, storms and wind, and may cause themselves to be reinsured upon the whole or any part of any risk on which they may have made insurance. Change of name.

§ 2. The business of this company shall be divided into two classes, which shall be kept entire and distinct from each other; and no money or premium notes received for Business classified.

insurance against loss or damage by fire or lightning shall be used or assessed to pay any loss or damage occasioned by tornadoes, storms and winds; and no member insured against loss or damage by tornadoes, storms and wind shall be assessed to pay any loss or damage occasioned by fire or lightning.

Capital stock —
what to consist
of.

§ 3. That the fifth section of said act be and the same is hereby so amended that the capital stock of said company shall consist of the premium notes and cash premiums taken by said company, together with the ten per cent. lien said company has, by virtue of this charter, against the members thereof.

Election of direc-
tors.

§ 4. If it shall at any time happen that the election of directors shall not be held or made on a day when, pursuant to the charter of this company, it ought to have been held or made, this corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, notice of which shall be given in a manner prescribed by the by-laws of this company.

Application for,
and rates of, in-
surance.

§ 5. This company may receive applications for, and issue policies of insurance against, loss or damage by fire and lightning, for any term, not exceeding five years. The rates of such insurance may be fixed and regulated by a majority of the board of directors, or by the executive committee; and premium notes may be received from the insured, which shall be paid at such time or times, and in such sum or sums as the directors shall require for the payment of the losses and expenses of the company. The directors or executive committee may, also, fix the amount that each party shall pay at the time of insuring; and any party applying for insurance, so electing, may pay a definite sum of money in full for such insurance, and in lieu of a premium note.

Executive com-
mittee.

§ 6. That the fourteenth section of said act be and the same is hereby so amended that the board of directors may also appoint, (unless otherwise provided by the by-laws of this company,) an executive committee, to consist of three members of the board; and such committee, when the board is not in session, may exercise all the powers vested in this company, except where the company have, by its by-laws, otherwise provided. Said executive committee to hold their office one year, or longer, as may be provided by the by-laws of this company.

Assessments.

§ 7. The directors of this company may levy an assessment upon the premium notes, at any time they may deem it necessary, for the payment of the losses and expenses of the company.

Payment of los-
ses.

§ 8. The members of this company shall be and are hereby bound to pay their proportion of all losses and

expenses happening and accruing in and to said company, during the time for which their policies were issued, to the amount of their premium notes and cash premiums.

§ 9. Whenever any assessment is made upon any premium note given to said company, and the maker thereof shall neglect or refuse to pay the amount claimed by said company, for the space of thirty days after notice of such assessment, (which notice shall be given in the manner prescribed by the by-laws of said company,) his, her or their policy shall become null and void, and of no effect; in which case the directors may sue for and recover the whole amount of the note, with costs of suit; and in case an action is brought to recover any assessment or premium note due said company, the certificate of the secretary of said company, stating the amount due, shall be taken and received as *prima facie* evidence, in all courts and places whatsoever.

Neglect to pay assessments will annul policies.

§ 10. All statements made in any application for insurance shall be binding upon the insured and a warranty upon his, her or their part.

§ 11. The secretary of said company may appoint a deputy, whose powers shall be set forth in his certificate of appointment, and entered upon the record books of said company.

Deputy secretary

§ 12. This company shall not issue any policy for insurance against loss or damage by fire or lightning for over two-thirds the actual cash value of the buildings insured.

§ 13. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 12, 1863.

AN ACT to incorporate the Southern Illinois Mutual Insurance Company. In force February 18, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, from the time this act shall take effect, James C. Allen, Thomas W. Harris, William A. Hacker, Thomas Marks, A. H. Irvin, Marcus E. Bagley, T. B. Cantrell, and all other persons who may hereafter associate with them, in the manner hereafter prescribed, shall be a body corporate and politic, by the name and style of "The Southern Illinois Mutual Insurance Company;" and by that name may sue and be sued, appear, prosecute and defend, in any court of record or other court or place whatsoever; may have and use a common seal, and alter and renew the same at pleasure; may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and sell and convey

Corporators.

Name and powers.

the same, at pleasure; may make, establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this State or of the United States, as may seem necessary or convenient for their regulation or government, and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into effect the purposes intended in this act.

Membership.

§ 2. All persons who shall, at any time, be insured in this company, shall be members thereof, during the continuance in fact of their respective policies, and no longer, and shall at all times be bound by the provisions of this act.

Directors.

§ 3. The affairs of said company shall be managed by a board of directors, to consist of not less than three nor more than fifteen members, as may be regulated by the by-laws of said company. Said directors shall be chosen, by ballot, from among the members of said company. A majority of the whole board shall constitute a quorum for the transaction of business. The executive committee of said company shall possess all the power of the board of directors, when said board is not in session.

Officers of the board.

§ 4. The board of directors shall elect a president, vice president, secretary and treasurer, who shall hold their respective offices for one year, or longer, as may be determined by the by-laws of said company, and until others are chosen in their places. The board of directors shall, also, appoint an executive committee, to consist of three directors. Subordinate officers, agents and examiners may be appointed by and in the manner prescribed by the by-laws of said company.

May make insurance.

§ 5. This company may make insurance, on all description of property, against loss or damage by fire, lightning, wind and the risks of inland navigation and transportation; and may loan their capital or surplus funds, on bottomry or *respondentia*, and may cause themselves to be reinsured upon the whole or any part of any risk on which they may have made insurance.

Rates of insurance.

§ 6. The rates of insurance shall be fixed by the board of directors or executive committee of said company. Premium notes may be received from the insured, which shall be paid at such time or times, and in such sum or sums, as the directors shall require for payment of losses and expenses. Any person applying for insurance may pay a definite sum of money, in full for said insurance, in lieu of a premium note. The cash premiums, together with the premium notes, shall constitute the capital stock of said company.

Assessments upon premium notes.

§ 7. The directors of said company may levy an assessment upon the premium notes, at any time they may deem it necessary, for the payment of losses and expenses.

Payment of losses

§ 8. The members of this company shall be and they are hereby bound to pay their proportion of all losses and expenses happening and accruing during the time for which

their policies were issued, to the amount of their premium notes and cash premium, and no more.

§ 9. Whenever any assessment is made on any premium notes given to the said company and the maker thereof shall neglect or refuse to pay the amount claimed by said company, for the space of thirty days after notice of such assessment, (which notice shall be given in manner prescribed by the laws of said company,) his, her or their policies shall be null and void, and of no effect; and in case an action is brought for the recovery of any assessment due said company, the certificate of the secretary of said company, stating the amount of such assessment, shall be taken and received as *prima facie* evidence, in all courts and places whatsoever.

Non-payment of premium notes.

§ 10. All statements made on any application for insurance shall be binding upon the applicant, and a warranty upon his, her or their part.

§ 11. The persons named in the first section of this act shall be and they are hereby constituted a board of directors for said company, to serve as such until the first annual election of directors herein provided for, and until others are chosen. The directors of said company shall be elected on the first Tuesday in August in each year. And such election shall be held at the office of said company, at such hour of the day as the directors or executive committee for the time being shall appoint. Such election shall be held under the inspection of three members, to be appointed previous to every election, by the executive committee of said company. Such election shall be made by a plurality of the votes of the members present, or their proxies, allowing one vote for each policy held by members offering and in force at the time of the member offering to vote. The directors or executive committee are hereby authorized, at any meeting, to provide a form for the appointment of proxies, and to specify the evidence that may be required of the execution thereof.

First board of directors.

Elections.

Proxies—form of

§ 12. All meetings of the board of directors and the executive committee, to be called in the manner prescribed by the by-laws of said company.

Meetings.

§ 13. That the persons named in the first section of this act, and those who may succeed said persons as directors of the "Southern Illinois Insurance Company," created by this act, are hereby invested with all the powers and privileges granted to the "Illinois Insurance Company," established in the city of Beardstown, by an act approved February 21st, 1859. And the directors of the Southern Illinois Insurance Company, created by this act, or their successors, may, whenever they deem it proper so to do, appoint three commissioners, to carry into effect the provisions of section nine of the said act, approved February 21, 1859.

Directors — their powers, etc.

Secretary may
appoint deputy.

§ 14. The secretary of said company may appoint a deputy, whose powers shall be set forth in his certificate of appointment, and entered upon the record book of said company.

Home office.

§ 15. The home office of said company shall be in the city of Cairo, in the county of Alexander, and State of Illinois.

§ 16. If it shall so happen that the election of directors of said company shall not be held on the day when, pursuant to this act, it ought to have been made or held, this company, for that cause, shall not be deemed dissolved, but it shall be lawful, on any other day, to make and hold an election—notice of which shall be given in the manner prescribed by the by-laws of said company.

Vacancies—how
filled.

§ 17. All vacancies in the board of directors may be filled by the remaining part of said board, from among the members of said company.

§ 18. This act shall be deemed a public act, and be liberally construed, for the purposes therein mentioned, and be in force on and after its passage.

APPROVED February 13, 1863.

In force February
18, 1863.

AN ACT to amend an act entitled "An act to incorporate the Illinois Mutual Fire Insurance Company."

Original act
amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section seven, of said act, be and the same is hereby amended, by striking out all the words in said section, after the word "breweries." That section eight is hereby so amended that any party applying for insurance for one year, or less time, may pay a definite sum in money for such insurance, in lieu of a premium note. That section ten be and the same is hereby so amended that suit may be brought against said company for loss or damage by fire in the county of Madison, or in the circuit court of the county where said loss or damage may or has happened.

Suits on assess-
ments—*prima*
facie evidence of.

§ 2. In case an action is brought for the recovery of any assessment due said company, the certificate of the president or secretary of the company, under the seal thereof, stating the amount due, shall be taken and received as *prima facie* evidence thereof.

Term of charter
extended.

§ 3. That the time limited for the existence of said company be and the same is hereby extended for the period of fifty years.

§ 4. This act shall be in force from and after its passage.
APPROVED February 13, 1863.

AN ACT to amend an act entitled "An act to incorporate the "Columbian Insurance Company." In force February 13, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the directors of said company be and they are hereby authorized to divide the business or risks of the company into two or more classes; in which case, the premium notes belonging to any one class shall, in no event, be taxed to pay the losses of any other class or classes; and in case of loss under any policy issued by the company, such loss shall be paid out of the funds of the class to which such policy belongs, and such class only may be proceeded against for said loss. Classification of business.

§ 2. The directors of said company are hereby authorized to establish an office in the city of Chicago; and all acts required by the act to which this act is an amendment to be done in the county of Stephenson shall be binding on the company, and also on the parties insured, if done in the county of Cook. Chicago branch.

§ 3. All of the franchises and powers conferred by an act incorporating the Illinois Insurance Company be and the same are hereby conferred upon the Columbian Insurance Company. Powers conferred

§ 4. So much of the act to which this act is an amendment, as is inconsistent with the provisions of this act, be and the same are hereby repealed.

§ 5. This act shall be deemed a public act, and be liberally construed, for the purposes therein contained, and take effect and be in force from and after its passage.

APPROVED February 13, 1863.

AN ACT to amend the charter of the Farmers' and Merchants' Insurance Company, approved February 22d, 1861, and to enable the company to do a life insurance and annuity business. In force February 13, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the directors of this company, are hereby authorized to charge each person or party becoming insured therein, on the plan of mutual insurance, a sum to be determined by them, in addition to the deposit note given by the person or party so insuring; and no assessment shall be made on the deposit notes held by this company until the losses and expenses happening to and incurred by the company shall exceed the amount of money in the treasury thereof. Whenever an assessment is made it shall be upon the original amount of the deposit note; and when such assessment has been made upon the whole or part of said deposit notes, and due notice Addition'l charges.

Refusal to pay assessments.

thereof given to the person or party assessed, in accordance with the by-laws of the company, if such person or party refuses or neglects to pay such assessment, for a period of thirty days after such notice given, the person or party so refusing or neglecting, shall, at the option of the directors, be excluded and debarred, and shall lose all benefit and advantage of his, her or their insurance or insurances, respectively, for and during the term of such default or non-payment, and, notwithstanding, shall be liable and obliged to pay all assessments that shall be made during the continuance of his, her or their policies of insurance, pursuant to this act and the act to which this act is an amendment; and the directors may proceed to sue for and collect the entire amount of the deposit note or notes, so assessed and remaining unpaid, together with the costs of suit; and the money so collected shall remain in the treasury of the company, subject to the payment of such losses and expenses as have or may thereafter accrue and be chargeable against such person or party; and the remainder, with interest thereon from date of collection, shall, on demand made to the treasurer of the company, be returned to the person or party from whom it was collected, at the expiration of the term of such person or party's insurance.

Collect'n of notes by notes.

Two departments

§ 2. This company may divide its business into two departments, to be designated as "Stock Department" and "Mutual Department;" and, when so divided, each department shall be separate and distinct from the other; and the directors are hereby authorized to open, at the office of this company, in the city of Quincy, Illinois, and at such other place or places in this State as they may determine, either through themselves or their agents, books of subscription to the stock capital of this company; which stock shall be divided into shares of fifty dollars each, and deemed personal property, transferable only on the books of the company. Ten days' notice of the opening of such books of subscription shall be given in one of the newspapers published in said city; and the books of subscription shall remain open until the sum of twenty thousand dollars is subscribed and paid to the treasurer of the company, in such way as may be agreed upon, or secured in a manner satisfactory to the directors, when the directors may proceed to issue policies of insurance, based on such capital; and the directors may, under said notice, and in the manner aforesaid, continue to receive subscriptions of stock, until the whole sum subscribed shall amount to one million of dollars. Ten per cent. of each share of stock shall be paid at the time of making the subscription, and the remainder in installments, on demand of the directors; but installments shall not be called for oftener than once in thirty days. Any subscriber refusing or neglecting to pay the installments on his stock subscribed, as called for by the directors, for a period exceeding

Subscription to stock.

Installments.

thirty days from the date of such call, the directors may sue for and recover judgment for the entire amount of the subscriptions remaining unpaid. Dividends on the capital paid in shall be declared once in six months; and all dividends on stock not fully paid up may be applied in the payment of any balance on said stock then due the company.

§ 3. Under the special and general powers granted this company by an act of the Legislature of this State, incorporating the "Farmers' and Merchants' Insurance Company," approved February 22d, A. D., 1861, and of this act, amendatory thereof, this company shall have full power and authority to take risks, and make insurance with any person or persons, upon their life or lives, or upon the life of any person, for the benefit of any other person having any pecuniary interest in the insured person's life, as creditors, guarantee, surety, or interested by marital or other relation; may grant, sell or make and contract for annuities and endowments, and do all other acts and things necessary and incidental to the transaction of a life insurance and annuity business, upon the mutual plan; may issue policies, for such length of time, and upon such terms and conditions, as may be agreed upon by the directors; they may, also, cause themselves to be re-insured against loss upon any or all risks so taken. Life insurance.

§ 4. It shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his consent, as her trustee, to cause to be insured, for her sole use, the life of her husband, for any period, or for the term of his life, when the premium so paid does not exceed five hundred dollars per annum, which may be paid by or from the estate or funds of her said husband; or a policy in his name and by him obtained may be made payable to his wife, or to her and to her children, or to either; and, in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or any of his creditors, other than this corporation. Women to insure husbands' lives.
Widow's insurance on husband's life exempt from claims of his creditors.
 In case of the death of the wife, before the decease of her husband, the amount of the said insurance may be made payable, after such death, to her children, for their use, or to such other persons as may be agreed upon in the policy of insurance. No life insurance policy shall be issued by the directors of this company until applications for such insurance has been received to the amount of fifty thousand dollars.

§ 5. The moneys, notes and securities, of every kind whatsoever, paid to or received by this company, for life insurance or annuities, and all profits derived from said business, and all the losses, salaries, fees, and other incidental expenses of conducting said business, shall be entirely free

- and distinctly separate from those arising from any other business conducted by this company; and the moneys, notes, and securities received by this company, in conducting the said life insurance and annuity business, shall never be responsible in any way for any losses or expenses accruing to this company in conducting any other business.
- Funds and property of the company.** § 6. From and after the next annual election of directors for this company, all other elections therefor shall be held on the first Wednesday in May, of each alternate year. Every person mutually insured in this company, and also their administrators, executors and assignees, (and none others,) shall be members thereof; and, at all elections for directors, shall be allowed one vote for each policy of insurance held by them. And all persons, who are subscribers to the stock capital of this company, shall be allowed one vote for each share of stock owned by them, and on which all the installments called for by the directors have been paid. Any vacancy occurring in the board of directors shall be filled by the remaining members, at the next regularly called meeting of the board, after such vacancy is known; and such director or directors, so appointed, shall serve until the next regular election therefor.
- Time of holding elections.**
- Filling of vacancy**
- Borrowing money.** of § 7. For the purpose of securing the prompt payment of losses and expenses, the directors of this company are authorized to borrow such sum or sums of money as may be required for such purpose; and, in making the next assessment, the interest accruing thereon, and also all necessary incidental expenses, shall be included in such assessment. Any director, agent or other person, who shall collect or receive any money or other valuables, belonging to this company, and shall not account for and pay over the same, on demand of said company, any such director, agent or other person, on conviction of the same, shall be deemed guilty of embezzlement, and punished as provided for by the statutes of this State.
- Lightning risks.** § 8. This company may make insurance against the destruction of property by lightning, in connection with its insurance against fire, charging such rates therefor as the directors may determine.
- Copies of records.** § 9. A copy of any record of this company, under the seal of the company, and certified to by the secretary, shall be taken as *prima facie* evidence thereof, in any court tribunal in this State, upon the subject matter contained therein.
- Vote upon the acceptance of this act.** § 10. This act shall be submitted to the members of the company, at the next regular meeting for the election of directors, or at a special meeting, called for that purpose, after giving ten days' notice, in one of the daily papers published in the city of Quincy, Illinois, for their adoption or rejection; and if voted for by a majority of the members voting at said meeting, by proxy or in person, the order of accept-

ance shall be spread upon the records of the company; and, from the date thereof, this act and all its provisions shall be binding on all officers, members and stockholders in the company, and all other persons and parties interested, as completely as though it formed a portion of the original act of incorporation; or, if this act is voted against by a majority of the members voting at said meeting, it shall not take effect.

§ 12. Everything in the act of which this act is an amendment, inconsistent with the provisions of this act, is hereby repealed.

APPROVED February 13, 1863.

AN ACT to incorporate the "Big Rock Farmers' Mutual Fire Insurance Company." In force February 16, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Isaac Hatch, Timothy Hodgman, J. R. Rhodes, P. S. Winslow, A. W. Chapman, J. A. H. Brady, Wm. Waterman, Jerome Holsted, N. M. Hendrick, together with such other persons as may hereafter be associated with them, shall be and they are hereby created a body politic and corporate, by the name, style and title of "The Big Rock Farmers' Mutual Fire Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops, barns and other buildings, household furniture, merchandise, produce and live stock, against loss or damage by fire; whether the same shall happen by accident, lightning or any other means, except that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this or any of the United States; and they and their successors are hereby declared a body corporate and politic, in part and in law, with all the legal incidents to a corporation aggregate. Name and style.

§ 2. The affairs of the company shall be managed by a board of nine directors, to be elected at the annual meeting of the members, as hereinafter directed, to continue in office for the term of one year, or until their successors are chosen. The said directors shall have power to perform such duties as are hereinafter provided, or as may be directed by the by-laws of the company made in conformity to this act. They shall elect a president, vice president, secretary and treasurer, from their own body, and such other officers as may be necessary to conduct the affairs of the company. Directors.

§ 3. On any day, to be fixed by said parties named in the first section of this act, said parties may call a meeting of said company and the members thereof, and annually, on Annual elections.

the same day of the month, thereafter, said members of said company shall convene for the purpose of electing directors, and for the transaction of such other business as by said company shall be deemed necessary; notice of which meeting shall be given for at least twenty days previous, in a public newspaper printed in Kane county; and, until their successors are chosen, the individuals named in the first section of this act shall be the directors of said company, with powers to transact all business hereinafter enjoined on the directors of said company; and all elections for directors, and their officers, shall be by ballot, from among the members present, allowing each member one vote, to be conducted by three judges, chosen from among the members not directors, who shall certify, under their hands, the result of said election; and said certificate shall be filed with the papers and entered upon the records of said company. General meetings of the company may also be held, whenever called by the directors, or whenever requested by twelve members; and the members may, at such general meeting, make all by-laws, rules and regulations necessary for the well government of the affairs of said company, that may not be inconsistent with the constitution and laws of this State.

Insurance privi-
leges.

§ 4. The directors shall have full power on behalf of said company to make insurance against loss by fire on any building or other property mentioned in the first section of this act, and of such kind or description, and within such limits as may be permitted in the by-laws of said company, and to make, execute and perfect so many contracts, bargains, agreements and policies, and other instruments, as shall or may be necessary, or as the nature of the case shall require; and every such bargain, agreement, contract or policy, made by said company, shall be in writing, or in part writing and part print, and shall be under the seal of said company, signed by the president and attested by the secretary, and also by the party insured: *Provided*, that it shall not be lawful for the said company to take any one single risk that shall exceed five per cent. on the total amount on the books of said company: *And provided, further*, that no policy shall be issued by said company until the amount of entries shall come up to or exceed thirty thousand dollars.

Proviso.

Rates of insu-
rance.

§ 5. Any person applying for admission, and holding any property within the boundaries of the company of such description as may be insured therein, may, agreeable to the by-laws for the admission of members, enter their property to be insured, with the valuation thereof, on the books of the company; and when any property so entered shall be destroyed by fire, such valuation shall be made the basis of a tax to remunerate the loss; and all such persons as are now associated together under the corporate name afore-

said, and are deemed and taken as members thereof, and all such persons as shall at any time hereafter insure in or with said company, or be allowed so to do, shall be deemed and taken as members thereof during the period they shall remain insured by the said company, and no longer.

§ 6. Any person entering for insurance shall deposit with the secretary of the company his, her or their promissory note, payable in part or in whole at any time when the directors shall deem the same requisite for the payment of losses by fire, or for such incidental expenses as may be necessary for transacting the business of the company, for a sum equal to one and one-half per cent. on the amount of the property insured, according to the scale of rates established by the company, and shall receive in return a policy of insurance, signed by the president, and attested and signed by the secretary. And for the purpose of raising a contingent fund for the payment of losses, and other objects of the company, it shall and may be lawful for the said company to exact from its members interest, at a rate not exceeding six per cent. per annum, on the amount of said promissory note or deposit note, as in their judgment the company may require it. Such interest shall be paid to the treasurer upon the day of each annual meeting; and every payment of interest so made shall be entered to the credit of the proper person on the books of the company, and be applicable, as far as the same may go, to the liabilities of the company, and shall so remain; but upon the withdrawal of any member, or the canceling of a policy, from any cause, the deposit note, with all unappropriated interest thereon, or clear profits to which the member may be entitled, shall be given up to the depositor, or his legal representative. And in case any assured, named in any policy or contract of insurance made by the said company, shall sell, convey or assign the subject insured, it shall and may be lawful for such assured persons to convey and deliver to the purchaser such policy or contract of insurance; and such assignee shall have all the benefits of such policy or contract of insurance, and may bring and maintain suits at law, and be proceeded against in his own name: *Provided*, that he shall first obtain the consent of the president and secretary to such assignment, and have the same endorsed on or annexed to said policy or contract of insurance.

Manner of ob-
taining insu-
rance.

Assignment.

Proviso.

§ 7. This insurance shall be subject to adjustment when either the company or parties may require, otherwise the policy will not require renewal.

§ 8. All and every member of this company who shall sustain any loss or damage by fire, shall give immediate notice thereof to the president or secretary of said company, at their office, of such business transaction, to the end that they may notify the board of directors; and the said board

Losses.

may inquire into the same, and direct the proper appraisers to view the premises and determine the actual loss sustained, and make report within ten days. And in cases where the individual sustaining a loss shall be dissatisfied with the estimate of his loss, made by the appraisers, at his request the same may be submitted to three disinterested persons, each party to choose one, and they the third, whose report shall be conclusive.

Taxes.

§ 9. Upon the reception of the report of appraisers or referees, the directors shall proceed, in case there shall not be money enough in the treasury to pay the same, to levy such *pro rata* tax as shall, together with the sum in the treasury, be equal to the adjudged loss or damage and cost of collecting. They may publish the same in such manner as they shall see fit; they may employ a collector, if necessary, to collect the same, and pay it over to the treasurer within thirty days; and the president shall give the assured an order on the treasurer for the amount due to him, which must be paid within sixty days from the occurrence of the fire, otherwise the company shall be liable for interest.

Losses binding on any member.

§ 10. Every member of said company shall be bound to pay for the losses and necessary expenses accruing in and to said company, in proportion to his note or deposit, or taxable property on the books thereof; and suits at law may be maintained by said company, in its corporate name, against any of its members, for the collection of said deposit note, or any assessment thereon, or for any cause relating to the business of said company; also suits at law may be maintained by any member against said company, (in its own name,) for losses or damages by fire, if payment is withheld more than ninety days after said company is duly notified of such losses. The said corporation may have and use a common seal, and, at their pleasure, alter or change the same.

Suits at law.

Refusal to pay installment of interest.

§ 11. If any member shall neglect or refuse to pay the regular installments of interest on his, her or their deposit note, the directors, for the time being, may debar or exclude such member from any benefit or advantage from his, her or their insurance, respectively, until the same is paid; and if any member, for the space of thirty days after the demand, by the treasurer or collector, shall neglect or refuse to pay the sum assessed upon him as his proportion of any loss, as aforesaid, the directors may, in the corporate name of said company, sue for and recover the whole amount of his deposit note, with costs of suit; and the amount thus collected shall remain in the treasury of said company till the next annual meeting, when, if any balance remain, it shall be returned to the party from whom collected, upon demand being made, and the policy be canceled.

Duration of charter.

§ 12. The privileges hereby granted or intended to be granted by this act, shall continue in force for the space of

thirty years; but if it shall appear at any time, to the legislature of this State, that these privileges are injurious to the public welfare, the power to repeal this act shall not on any account be denied or impaired; but such repeal shall not on any account affect any contracts to which said company may have been party previously thereto. And the said company shall have a reasonable time to bring their accounts to a final settlement and termination.

§ 13. This act shall be deemed a public act, shall be liberally construed for the purposes herein expressed, and shall take effect from and after its passage.

APPROVED February 16, 1863.

AN ACT to incorporate the Illinois Journal Company.

In force February
16, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Edward L. Baker and David L. Phillips, and their associates, successors and assigns, are hereby created a body corporate and politic, under and by the name, style and title of "The Illinois Journal Company," with perpetual succession; and by that name shall be and are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity, in this State or elsewhere; to make, have and use a common seal, and the same to renew or alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act. The capital stock of said company shall be fifty thousand dollars; the same to be divided into shares of one hundred dollars each; which capital shall be used, mainly, in the printing, publishing and binding business, in the city of Springfield, Sangamon county, and State of Illinois; and be invested in such engines, printing presses, machinery, types, paper, fixtures, and such other articles as may be necessary to carry on the printing, publishing and binding business.

Capital stock.

§ 2. The said company shall, also, have power to manufacture, in the city of Springfield or elsewhere, paper and such other articles as they may use in the business of printing, publishing and binding, as aforesaid; and shall have power to purchase and hold so much real estate or water power as may be necessary to carry out the provisions of this section.

Objects of company.

§ 3. The said company shall have power, to purchase and hold so much real estate and lots in the said city of Springfield, and to erect suitable buildings thereon; the

Purchase of real estate.

same to be used, mainly, in the printing, publishing, binding and manufacturing business, as aforesaid. And all real estate purchased under the provisions of this section and section two may be sold, aliened and conveyed, at the pleasure of said Journal Company. All deeds of real estate shall be made to said Journal Company. And deeds and conveyances made by said company shall be authorized by vote of the stockholders who own or legally represent at least two-thirds of the shares of the stock of said company. And said deeds and conveyances shall be signed by the president and secretary of said company, and be attested by the corporate seal thereof.

Lease of prop-
erty.

§ 4. Said Journal Company shall have power, to lease such real estate and buildings as may be necessary to carry on the business of said company; and said company may sub-let or lease to others such apartments or rooms in their own buildings, leased by them, as may not be needed in the printing, publishing and binding business, as aforesaid.

Rules and regu-
lations.

§ 5. The said company shall have power to make all needful and necessary rules for the regulation and direction of its affairs; and, when so made, they shall be binding upon the stockholders of said company; and said rules, thereafter, shall not be altered, changed or amended, except by vote of the stockholders owning or legally representing at least two-thirds of the shares of the stock of the said company, at some regular meeting; of which due notice shall be given, in writing or otherwise, to all of said stockholders, at least ten days before said meeting.

Organization.

§ 6. Whenever stock to the amount of twenty thousand dollars shall have been subscribed and fifty per cent. thereof shall have been paid, it shall be lawful for the stockholders to commence business, under this act; and they may elect and appoint a president, secretary and treasurer, and such other officers and servants as they may deem necessary, and fix their compensation and term of office, by such by-laws as they may make and establish; and the said stockholders shall be liable, in proportion to the amount of stock severally held by them, for all debts contracted by the said corporation during the time they were stockholders aforesaid and for six months after the assignment of the stock so held by them respectively.

To keep journal.

§ 7. Said company shall, by its secretary, keep a journal, in which the proceedings of all meetings of the stockholders shall be recorded; which record, with all other books, papers, and vouchers shall be subject to the inspection of any stockholder, at all reasonable times.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1863.

AN ACT to amend an act entitled "An act to incorporate the Aurora Gas Light Company," approved February 20th, 1861. In force February 20, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Aurora Gas Light Company," incorporated by an act entitled the Aurora Gas Light Company, approved February 20th, 1861, shall have, in addition to powers recited therein, the power to issue bonds. Power to issue bonds.
bonds.
the power to issue bonds of the company and borrow money thereon, to any amount not exceeding thirty thousand dollars, payable at any time not exceeding twenty years from the date of issue. Said bonds to be a first lien upon the real estate and fixtures of said Aurora Gas Light Company.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 20, 1863.

AN ACT to authorize Caleb W. Brown to build a dam across the Pecatonica river, in the county of Stephenson. In force February 2, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Caleb W. Brown, of the town of Silver Creek, in the county of Stephenson, his heirs and assigns, be and are hereby authorized to construct, build, maintain and continue a dam across the Pecatonica river, on that part now owned by him of the northeast fractional quarter of section one, town twenty-six north, of range eight east of the 4th p. m., in the town of Silver Creek, in the county of Stephenson, to the height of six feet above low water mark: *Provided*, that said grant shall not be construed so as to prevent the State from improving said Pecatonica river, at that place by locks or any other mode, at any time hereafter, for the purpose of slack water navigation or otherwise. Power to build dam.

§ 2. This act to take effect from and after its passage.

APPROVED February 2, 1863.

AN ACT to determine the width of chute required in the Rockford Water Power Company's dam, at Rockford. In force February 13, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Rockford Water Power Company shall only be required to provide in their dam across Rock river, at Rockford, in Winne- Width of chute.

bago county, a good and sufficient chute, for the passage of rafts and flatboats, not less than twenty-four feet in width, and that so much of the act entitled "An act for the improvement of the navigation of Rock river, and for the production of hydraulic power," as requires such chute to be not less than forty feet in width, is hereby repealed.

§ 2. This act shall be deemed and taken as a public act, and shall take effect and be in force from and after its passage.

APPROVED February 13, 1863.

In force February 21, 1863. AN ACT authorizing the transcribing of the indexes to conveyances, and certain records of conveyance, in Macoupin county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the clerk of the circuit court and ex-officio recorder of Macoupin county, is hereby authorized and required to transcribe, in well bound books, to be provided by the county court of said county, full and complete general, direct and inverted indexes to the records of conveyances in said county, from record book A, to AE, inclusive; which indexes shall exhibit the names of the parties to each conveyance, and the date thereof, the date when filed, the description of the instrument, the names of grantors and grantees, and a description of the property conveyed.

§ 2. The said clerk of the circuit court and ex-officio recorder of said county is hereby authorized and required to copy the record of conveyances of said county, contained in the present records A, B and M, in well bound books, to be purchased by said county; which transcript shall be an exact and correct copy of the above named books.

§ 3. The said clerk shall be allowed such compensation for his services under this act, as shall be deemed reasonable by the county court of said county, to be paid out of the county treasury of said county, on the order of the county court, upon the completion of the work and the certificate of the said circuit clerk that the said indexes and books have been correctly transcribed.

§ 4. This act shall be in force from and after its passage.
APPROVED February 21, 1863.

Clerk to make index.

Copy records.

Compensation.

AN ACT to incorporate the Mississippi Warehouse Company.

In force February
13, 1863.

Whereas Anthony Thornton, George Edmonds, jr., Samuel B. Chandler, R. M. Knapp, Thomas W. Harris, and St. Clair Sutherland, have associated themselves together, for the purpose of erecting a warehouse on Bloody Island, in the Mississippi river, opposite the city of Saint Louis, Missouri, therefore,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Anthony Thornton, George Edmonds, jr., Samuel B. Chandler, R. M. Knapp, T. W. Harris, St. Clair Sutherland, their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate, by the name of the "Mississippi Warehouse Company," and, by that name, said corporation shall be capable, in law, of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in courts of law or equity; shall have perpetual succession, and have and use a common seal, and alter the same at pleasure. And it is hereby authorized to purchase or construct, maintain and operate a warehouse, for the receiving and storing all goods, wares, merchandise and freights, and ship and forward the same, on Bloody Island, in the Mississippi river, opposite the city of Saint Louis, Missouri; and, also, to acquire, hold, occupy and enjoy all such real estate and personal property as may be necessary and proper to carry out the purposes of the corporation hereby created.

Corporators.

Name and powers.

§ 2. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and said stock shall be transferable as the by-laws may direct.

Capital stock.

§ 3. The business of said corporation shall be transacted by five directors, to be chosen annually; and Anthony Thornton, George Edmonds, jr., Samuel B. Chandler, R. M. Knapp, Thos. W. Harris, and St. Clair Sutherland, be and are hereby constituted the first board of directors. The directors shall have full power to control and manage said warehouse, and the construction, extension and repairs thereof; to establish rates of storage, and to collect the same; also, to appoint and employ all necessary agents and servants, and prescribe the duties of the same; and to make all needful rules, regulations and by-laws, for the full and complete management of the business of said corporation; and to provide and collect all necessary means and moneys, for the acquisition, construction, improvements and repairs of any and all property belonging to said corporation.

First board of directors.

Powers and duties.

§ 4. Each stockholder shall be individually liable, to the amount of his or her stock, in said corporation only.

Liability of stockholders.

Semi-annual
statement.

§ 5. The directors shall, semi-annually, in each and every year, on the first day of January and July, make a statement of the affairs of said corporation, upon the books thereof, which shall be at all times open and subject to examination by any stockholder, and to divide the nett profits, if any there be, among the stockholders, according to the numbers of the shares each may possess.

Meeting of stock-
holders.

§ 6. Any two of said directors may call a meeting of the stockholders, by giving such notice as the by-laws of said company may direct; and at any such meeting of the stockholders, three of them shall constitute a quorum; and a majority of the shares represented by those in attendance shall decide any question properly before such meeting; and each stockholder shall be entitled to as many votes as he or she may have shares of stock.

May borrow mo-
ney, etc.

§ 7. It shall be lawful for the directors of said corporation, from time to time, to borrow or obtain on loan such sum or sums of money, on such terms as they may deem expedient, for the use of said corporation, and pledge or mortgage all or any part of the estate, improvements, privileges, franchises, effects and assets, whatever, of said corporation, for the payment of such sum or sums of money as may be so borrowed and the interest thereon, at such rates and for such length of time as they shall deem expedient.

§ 8. This act shall be deemed and taken as a public act, and be in full force from and after its passage.

APPROVED Feb. 13, 1863.

In force February
14, 1863.

AN ACT to change the name of Roxy L. Morton.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Roxy L. Morton be, and the same is, hereby changed for all intents and purposes whatsoever, to the name of Roxy L. Kennedy.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 14, 1863.

AN ACT entitled an act to amend an act entitled "An act to incorporate the Ottawa and Vermilion River Plank and Macadamized Road Company," approved Feb. 14, 1857. In force February 20, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporators named in the said act, approved February 14, 1857, and their successors be and are hereby authorized to construct a graded or macadamized road, commencing at the southwest corner of section twenty-four, (24,) in the town of South Ottawa, in the county of LaSalle, and running thence, directly east, to a public road, in the town of Fall River, known as the "Ford road," and thence south, along said road, to the southwest corner of section twenty-nine, (29,) in the town of Fall River, or to some other point, north of the north line of the town of Grand Rapids, and thence east and south, along the most desirable route, to the southeast corner of LaSalle county. The road so constructed shall be under the control and direction of the said corporators and their successors in office, named in the act to which this is an amendment, approved Feb. 14, 1857. To construct a graded road.

§ 2. The corporators named in the act aforesaid shall have the same powers of control and direction over the line of road to be constructed as is granted them by the act to which this is an amendment, and shall, in every particular, be governed by the provisions of said act. Powers of corporators.

§ 3. The said corporators shall have the right to take possession of and use all public highways along the line of said road so to be constructed: *Provided*, that they shall first obtain the written consent of the commissioners of highways, or a majority of them, in the different towns through which said road runs, to use the same, for the purpose of constructing said road. May use existing highways.

§ 4. The right of way for said road, to be constructed under the provisions of this act, over private lands, may be obtained by said company, either by purchase, gift or grant, or in the manner prescribed by an act entitled "An act to amend the law condemning the right of way for purpose of internal improvements," approved June 22, A. D., 1852. Right of way.

§ 5. Said company are hereby required to complete one mile and five-eighths of one mile of said road within three years from the passage of this act, and the balance of said road within twenty years. Road — when to be completed.

§ 6. The said company shall have the same powers of control and direction, and the same rights, in every respect, over the branch road herein provided for, as are given them in the act to which this is an amendment.

§ 7. This act to take effect and be in force from and after its passage.

APPROVED February 20, 1863.

In force April 21, 1863. AN ACT to incorporate the Alexander and Pulaski Plank Road and Bridge Company.

Corporation. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders, agreeably to the provisions of this act, in the corporation hereby created, shall be and for the term of twenty-five years from and after the passage of this act shall continue to be a body politic and corporate, under the name and style of the "Alexander and Pulaski County Plank Road and Bridge Company;" and by that name shall have succession, for the term of years above specified; may sue and be sued, complain and defend, in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations, for the management of its property, for the regulation of its affairs, and for the transfer of its stock, and for the forfeiture of the same for nonpayment of installments, not inconsistent with the laws of this State or of the United States, and may appoint such officers, agents and servants as the business of said company may require, prescribe their duties, and require bonds for the faithful performance thereof.

Name and powers. § 2. Said corporation shall have power to construct, maintain and continue a plank or turnpike road, or both, of such width and upon such routes as they may deem advisable, from the city of Cairo, in Alexander county, to the south line of Union county, with a branch to Mound city, in Pulaski county, and to construct, establish and maintain a toll bridge across Cache river, on the line of said plank or turnpike road, designated by the company, and to carry out the privileges and franchises granted herein.

Road and bridge. § 3. The capital stock of said company may be twenty-five thousand dollars, which shall be considered personal property, and divided into shares of twenty-five dollars each. Said capital stock may be increased to an amount sufficient to complete said road and branches.

Capital stock. § 4. Samuel Staats Taylor, Marmaduke Ensminger, Nicholas Hunsacker, Bryan Shannessy, Robert H. Cunningham, are hereby appointed commissioners, for receiving subscriptions to the stock of said company, and they, or a majority of them, are hereby authorized to receive such subscriptions, at such times, and in such manner and place, and after such notice, as they or a majority of them may agree.

Commissioners. § 5. The affairs of said company shall be managed by seven directors, four of whom shall be a quorum to transact business. Said directors shall be chosen when the sum of five thousand dollars is subscribed to the stock of said company; they shall continue in office one year, and until their successors are chosen and qualified, and shall be elected by the stockholders, each of whom may vote personally or by

Directors.

proxy, casting as many votes as each may own shares of stock. The first election of directors shall be held at the time and place appointed by the acting commissioners; and all subsequent elections shall be held and regulated according to the by-laws of said company.

§ 6. Upon the election of directors and the organization of the board, the said commissioners shall deliver to the said directors all moneys received by them, on subscriptions of stock, and the books of subscription, and all other books, papers and property of the company.

§ 7. The said corporation is authorized, as soon as the board of directors are elected, to proceed to the construction of said road and bridge, and, as soon as any three miles of said road shall be completed, they may erect toll gates thereon, and collect the toll allowed by this act; and when said bridge shall be completed, tolls may be collected for passing thereon, as hereinafter provided. Said company are authorized to borrow such sum or sums of money, not exceeding the capital stock of the company, as, in their opinion, may be necessary to aid in the construction of said road, and to pay any rate of interest thereon, not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other property or effects of the company, as security for any loan of money, and interest thereon, and to dispose of the bonds issued for such loan, at such rates and on such terms as the board of directors may determine.

§ 8. The said corporation shall have power to fix and regulate the tolls to be charged and paid for passing over said road and bridge, provided they do not exceed the following rates, viz: For passing over the road—for every vehicle drawn by one animal, two cents per mile; every vehicle drawn by two animals, three cents per mile; and one cent additional for each mile for every animal in a team more than two; for every five of neat cattle, one cent per mile; and for every ten or less of sheep or swine, one cent per mile; and for every horse and rider, or led horse, one cent per mile; and for passing over the bridge—for every vehicle drawn by one animal, ten cents; for every vehicle drawn by two animals, fifteen cents; and five cents additional for every animal more than two in a team; for every head of horses, mules or cattle, under and to the number of twenty, not driven in team, three cents; and for all over twenty, two cents each; for every head of swine or sheep, one cent; for each horse or other animal and rider, five cents; for each foot passenger, three cents. It shall be lawful for every toll-gatherer on said road or bridge to stop and detain any person going on said road or over said bridge, until the toll properly chargeable shall be paid; and any person who shall use said road or bridge and refuse to pay such toll, shall forfeit and pay, for each refusal, the sum of five dollars, to be

Construction, etc.,
of road.

Toll.

collected by said corporation, by action of debt, before any justice of the peace, or other court having jurisdiction.

May take land.

§ 9. The said corporation is authorized to locate, construct and maintain said plank or turnpike road and branches and bridge over any lands owned by this State or individuals or incorporated companies, on the route of said road, and over any county or State roads, with the consent of the county courts of Alexander or Pulaski counties. Said company shall pay all damages that may arise or accrue to any person or persons, by reason of taking their lands, timber, rock, stone or gravel, for the use of said road; and when the same cannot be obtained by consent of owners, upon reasonable terms, said damages shall be estimated and recovered in the manner provided by the ninety-second chapter of the Revised Statutes of the State, entitled "Right of Way," and the amendments thereto.

May use existing highways.

§ 10. The county courts of Alexander and Pulaski counties, or either of them, may, by an order entered on their records, authorize said company to use, for the construction of said plank or turnpike road, any of the public highways of said county; and the said county courts, or either of them, and the county court of Union county may subscribe to the capital stock of said company, to such an amount as they or either of them may deem expedient, and shall have all the rights of stockholders.

Injury to road and bridges—how redressed.

§ 11. Any person who shall willfully injure or obstruct said road or bridge, or any portion of either, or their appendages, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company three times the amount of damages occasioned by such injury or obstruction, to be recovered in an action of debt, in the name of said company, with costs of suit, before any justice of the peace or other court having jurisdiction thereof, or by indictment in the proper court; and on conviction, under indictment, such person or persons shall be liable to imprisonment, not exceeding three months, and to pay the costs of prosecution.

Penalty for fast riding on bridge.

§ 12. Any person or persons crossing the bridge to be erected by said company over Cache river, with any beast or animal, at a gait or speed faster than a walk, shall forfeit and pay to said company three dollars, which may be recovered in an action of debt, with costs of suit, before any justice of the peace or other court: *Provided*, notice to that effect shall be kept up at each end of said bridge in some conspicuous place.

Time for completion.

§ 13. The said corporation shall be allowed three years, from the passage of this act, for the commencement of said road and bridge; and in case the same shall not be completed in five years thereafter the privileges herein granted shall be forfeited.

APPROVED February 21, 1863.

AN ACT to incorporate the St. Charles and Geneva Railroad Company. In force April 16,
1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William F. Way, Seth Marvin, William F. Moore, Dennis McCauley, and John G. Wilkie, of the town of St. Charles, in the county of Kane, and State of Illinois, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style the "St. Charles and Geneva Railroad Company;" and by that name and style shall have perpetual succession; and said company are hereby made capable of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts, in law and equity, and in other places; of contracting and being contracted with. And said company shall have authority to make, use and have a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth: and the said company are hereby authorized and empowered to locate, establish, construct and finally to complete and use a railroad, commencing at some convenient point on or near Main street, on the west side of Fox river, in the corporate limits of the town of St. Charles, Kane county, Illinois, and running from thence southerly, on the most eligible and practicable route, to connect with the Galena and Chicago Union Railroad Company's road, with what is usually known as the Dixon Air Line of said company's road. And the said company are hereby empowered, in the construction of said railroad, to lay out said railroad of the width of sixty feet; and in case of embankments and crossings, if more than sixty feet shall be necessary, then the said company may take and use as much more ground, rock, stone or gravel, on the sides of the same, as shall or may be necessary for the proper construction and security of their said railroad.

Name and powers.

§ 2. The capital stock of said company shall be fifteen thousand dollars; which may be increased, if thought advisable by said company, to thirty thousand dollars—to be divided into shares of one hundred dollars each. All the corporate powers of said company shall be vested in and executed by a board of five directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, who shall hold their offices for one year, and until their successors shall be elected and qualified, and shall have power to appoint all necessary clerks, a secretary, treasurer and all other officers deemed necessary in the transaction of the business of the said company.

Capital stock.

§ 3. The said company is hereby authorized, by their agents, surveyors and engineers, to enter upon any lands and make all necessary examinations and surveys, for the

May enter upon lands.

location of said railroad or its appendages, and shall be responsible only for the actual damage done to any such land or premises in so doing, and it shall be lawful for said company to enter upon and take and hold all the lands necessary for the construction of said railroad and its appendages; and in all cases where said company shall not be able to acquire the right of way through any lands or premises they may wish to occupy for the purpose of said railroad or its appendages, by purchase or voluntary cession, the same may be obtained in a mode provided by the ninety-second chapter of the Revised Statutes of the State of Illinois, entitled "Right of Way;" or said company may obtain such right of way by the provisions of the twenty second section of an act entitled "An act to provide for a general system of railroad incorporations," passed Nov. 5, A. D. 1849; and said company shall be entitled to all the beneficial provisions of said act and the amendments to the same; or said company may proceed to obtain such right of way by the provisions of an act entitled "An act to amend the law condemning the right of way for the purposes of internal improvement," in force June 2, A. D. 1852; and said company shall be entitled to all the beneficial provisions of said act.

Borrow money.

§ 4. The said company are authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding the capital stock of said company, as they may deem necessary, to aid in the construction of said road, and to pay any rate of interest, not exceeding ten per cent. per annum therefor, and to pledge and to mortgage said railroad and its appendages, or any part thereof, or any other property or effects, rights or credits of said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan at such rates or on such terms as the board of directors may determine.

Annual election.

§ 5. The time of holding the annual meeting of said company, for the election of directors, shall be fixed and determined by the by-laws of said company; and at all meetings such stockholders shall be entitled to vote, in person or by lawful proxy, vote for each share of the stock he, she or they may hold, *bona fide*, in said company.

Books of subscription to be opened.

§ 6. The persons named in the first section of this act, hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said stock, at such place or places as they may deem proper, and shall give at least ten days' notice of the time and place where and when such books shall be opened in five of the most public places in the said town of St. Charles; and shall keep said books open until the sum of four thousand dollars of the capital stock of said company shall be taken. Said commissioners shall require each subscriber to pay five dollars on each share subscribed by him at the time of subscribing; and, when the said sum of four thousand dollars shall

have been subscribed, the said commissioners shall call a meeting of the stockholders, at some place in said town of St. Charles, by giving at least ten days' notice of the time and place of such meeting, by posting notices in five public places in said town of St. Charles, for the purpose of choosing the number of directors aforesaid for said company; and when said directors of said company are chosen, the said commissioners shall deliver such subscription books, with all sums of money received by them, as commissioners, to said directors. No person shall be a director in said company unless he shall be a stockholder thereof. At the time and place hereinbefore mentioned for such meeting and election, the said commissioners, or a majority of them, shall attend and act as inspectors of said election; and the stockholders present shall proceed to elect five directors, by ballot; and the said inspectors, or a majority of them, shall certify the result of such election, under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. Said directors shall have the same powers and authority, and perform the same duties, and be governed by the same rules conferred upon and required of the directors of the Galena and Chicago Union Railroad Company, and now in force. Said directors, so elected, shall elect from their number one president, who shall hold his office for one year, and until his successor is elected and qualified, and who shall have the same power, and be governed by the same rules, as are now conferred upon and required of the president of said Galena and Chicago Union Railroad Company by law. A majority of said directors, including the president, shall constitute a quorum.

Directors — their powers and duties.

§ 7. The right of way and real estate purchased for the right of way and depot grounds, by said company, whether by mutual agreement or otherwise, or which shall become the property of the company, by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said lands, as a compensation for the same, become the property of said company, in fee simple.

Right of way.

§ 8. The said corporation may take and transport, upon said railroad, any person or persons, merchandise or other property, by the force and power of horses or mules, and may fix, establish, take and receive such rates of toll, for all passengers and property transported upon the same, as the said directors shall, from time to time, establish; and the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable

May use horses or mules as motive power.

in such manner as shall be provided by the by-laws and ordinances of said corporation.

Vacancies — how filled.

§ 9. In case of the death, resignation or removal of the president or any director, at any time, between the annual elections, such vacancy may be filled, for the remainder of the year, in the manner prescribed by the rules and by-laws of the company. And, in case of the absence of the president, the board of directors shall have power to appoint a president, *pro tem.*, who shall exercise such powers and functions as the by-laws of said corporation shall provide. In case it should at any time happen that an election shall not be made, on any day in which, in pursuance of this act, it ought to be made, the said corporation, for that cause, shall not be dissolved, but said election shall be held at any other time directed by the by-laws of said corporation.

Intersections or crossings.

§ 10. Whenever it shall be necessary for the construction of said railroad to intersect or cross any water course, or any road or highway lying between the points aforesaid, it shall be lawful for said corporation to construct their railroad across or upon the same: *Provided*, that the corporation shall restore the water course, road or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

May use parts of roads, etc.

§ 11. The said corporation, whenever they shall deem it expedient, may use a portion of any road, street or alley, for the construction of their said railroad: *Provided*, they shall first have obtained permission from the president and trustees of the town through which their said railroad passes, or of the commissioners of highways where the road runs through towns not incorporated; and the said president and trustees and commissioners of highways, or a majority of them, are hereby authorized and empowered to grant said corporation the right to construct and use their said railroad upon and along any such public road, street or alley, over which they, the said president, or commissioners, have the supervision and control: *Provided, always*, that said corporation shall not occupy to exceed fifteen (15) feet in width along any such road, street or alley, for said railroad.

Payment of subscriptions.

§ 12. It shall be lawful for said directors to require the payment of the sums subscribed to the capital stock, at such times and in such proportions, and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give twenty days' notice of the payments thus required, and of the place, time when and where the same are to be made, by at least five notices, posted in five of the most public places in said town of said St. Charles.

Time for completion.

§ 13. The said company shall commence the construction of said railroad within two years and complete the same within four years from the passage of this act.

APPROVED February 16, 1863.

AN ACT to provide for the re-organization of the Logansport, Peoria and Burlington Railroad Company. In force February 14, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in case any mortgage or mortgages, deed or deeds of trust, which have been executed by the corporation originally formed and organized under an act approved February 12, 1849, by the name of "The Peoria and Oquawka Railroad Company," and now existing under said act and the several acts amendatory thereof, the name of which corporation was changed by an act approved February 21, 1861, to that of "The Logansport, Peoria and Burlington Railroad Company," of or upon so much of the railroad of the said company, its franchises, appurtenances and property, as lies between Peoria and the eastern boundary of the State, commonly called the eastern extension, or any part thereof, shall be foreclosed, either by judicial proceedings, or by a sale or sales, pursuant to any power contained in any such mortgage or mortgages, deed or deeds of trust, any number of persons, not less than twenty-five, may, either directly, or through one or more commissioners, trustees or agents, purchase the said part or portion of the said railroad, or any connected and continuous part thereof, with all its franchises, and all or any part of the property covered by such mortgage or mortgages, deed or deeds of trust; and the person so authorized to purchase said part or portion of said railroad, may purchase the same either at the aforesaid sale or sales, or afterward from any other person or persons who shall have purchased the same at such sale or sales. Road may be sold

§ 2. The persons so purchasing said eastern extension of said railroad, franchises and property, or such part thereof, shall, with their associates, if any, within three months from the date of such purchase, form themselves into a new and distinct corporation, by subscribing articles of association, with the amount of stock taken by them respectively in such new corporation; which articles shall specify the name of the corporation, the number of years the same is to continue, which shall not exceed fifty years, the amount of the capital stock of the company, which shall not exceed the aggregate of forty thousand dollars per mile of that part of the road so to be purchased, the number of shares of which the stock shall consist, specifying how many shall be preferred stock and how many shall be common stock, the number of directors and the names of those who shall be appointed for the first year, who shall be less than one-half the number of stockholders, and who shall hold their offices until their successors are chosen; a description of the road or part of road so purchased, with its termini, and the counties into or through which it passes, and its length, as near as may be; and by adopting a seal, which it may alter at New corporation, its powers and duties.

pleasure; and the subscribers for said shares shall be deemed to have complied with their subscriptions, and to have paid therefor in full, when the property so purchased shall have been assured or conveyed to the new corporation.

Articles of association.

§ 3. The articles of association shall be made and signed in duplicate, one copy of which shall be detained by the company, and the other shall be filed in the office of the Secretary of State; and the said articles, or a copy thereof, certified by the Secretary of State, under his official seal, shall be conclusive evidence of the existence of the corporation.

Officers.

§ 4. The board of directors shall have power to elect one of their number president, and a secretary and treasurer, and such other officers and agents as they may deem necessary, and to require of them such security for the faithful performance of their duties as they may think proper.

Conveyance of property.

§ 5. The officer or officers, trustee or trustees, making such sale, shall convey the property so purchased directly to the persons making the purchase, or to the person or persons through whose agency the purchase is made, by deed, immediately upon making the sale; and if the same be conveyed to an agent or agents, commissioners or trustees, he or they, and the survivor of them, shall, as soon as the reorganization is completed, execute a declaration of the trust to and in favor of the corporation, declaring the uses and purposes for which the purchase was made, and the same, together with the deed from the officer or trustee making the sale, shall be recorded in the recorder's office of each county, into or through which the road or part of road so purchased shall pass; or if the persons herein authorized to associate, shall have purchased the said property after the judicial sale or sales, then the title thereof shall be otherwise assured and conveyed to the said corporation, to be formed hereunder.

Property to vest in new corporation.

§ 6. By virtue of the sale, conveyance, and reorganization herein provided for, the railroad or part of railroad so sold, with all the property movable and immovable thereto appurtenant, and all the franchises of the existing corporation, including the franchise to be a corporation, (but not so as to defeat or impair any right or remedy against the now existing corporation, in favor of any other party,) shall pass to and vest in the new corporation, to take effect from the time of such sale; and the persons making such purchase, and effecting such reorganization, their associates and successors, shall become and be a new and distinct body politic and corporate, and may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places, and shall be entitled to the benefits and subject to the obligations and duties imposed upon railroad corporations by the laws of this State, not inconsistent with this act; and said new corporation may issue, in exchange for,

and as an equivalent for the value of the said property purchased, all or any part of its shares of preferred stock, and also its bonds, secured by a mortgage or deed of trust, of and upon said property to the extent of not exceeding \$1,600,000, and also all or any part of its common stock, excepting, however, such portion of said common [stock] as is required to be issued for other purposes, as hereinafter set forth.

§ 7. The persons subscribing said articles shall have power either before or after the sale, to adopt a plan of purchase and reorganization; to appoint proper agents to effect the same; to direct the issue of such and so many of its shares of preferred and common stock, and such and so many of its bonds, secured by mortgage, as shall be necessary to carry out said plan; to direct the distribution of the shares of stock of the new corporation into a preferred stock and a common stock, as they shall think fit; to declare who, and upon what terms and conditions, of the several classes of stockholders and bondholders, may vote in the election of directors, and in other matters affecting the interests of the company, and generally to specify the terms and conditions upon which they co-operate in effecting the said reorganization, and the rights of bondholders and of shareholders to vote, and the rights of the latter to a dividend or dividends shall be such, and such only, as shall be prescribed by the said subscribers.

Purchasers to re-organize.

§ 8. The corporation, when so organized, shall have power to issue its bonds or obligations for the purpose of carrying out said plan and for the purpose of purchasing said eastern extension, in such denominations, not less than \$1,000, as it shall see fit, but for an amount not exceeding the amount aforesaid, and at a rate of interest not exceeding eight per cent., and also to borrow money, in or out of this State, and to issue its bonds therefor at such rate of interest as it shall think proper; to execute such bonds and other securities, in or out of this State, and to make them payable at any place, in or out of this State, as the parties may agree; to secure the payment of said bonds by a lease or leases of its road, or any part of it, or by one or more mortgages or deeds of trust, of its road, or any other of its property and its corporate franchises or any part thereof, which mortgages, deed or deeds of trust may cover and include as well property to be acquired by the corporation as that owned by it at the time of the execution of such instruments, and may authorize the mortgagees or trustees to enter into and take possession of the mortgaged property and premises in case of default of payment of any interest or the principal of such bonds, and to sell the mortgaged property, its appurtenances and franchises, or any part thereof, for the payment of any such principal or interest, or to run, use and operate the said railroad and property, and apply the in-

May borrow money.

Sinking fund.

come thereof to the expenses of running and operating the said road, and to the payment of the interest and principal aforesaid. Said corporation may create a sinking fund, for the ultimate payment of its liabilities, and may, by its officers or agents, sell or hypothecate its bonds and other securities, in or out of this State, at any rate of price, above or below par, that it may think proper.

To carry out contracts of old company.

§ 9. Said corporation shall have power to assume, carry out and perform any contract or contracts heretofore entered into by the Peoria and Oquawka or the Logansport, Peoria and Burlington Railroad Company, and to make any settlement or adjustment with the contractors for the construction of the bridge over the Illinois river, at Peoria, that the parties can agree upon, and to liquidate and remove all incumbrances, and liens upon said road, or any part thereof, including said bridge, and to perfect their title to the same.

May lease connecting roads.

§ 10. Said corporation shall have power, with the consent and concurrence of a majority in interest of the bondholders and stockholders entitled to vote, for the time being, to lease any connecting railroad in this or any adjoining State, to form running connections with any such railroad, or to consolidate its property and stock, and to merge its corporate existence and franchises in and with those of the corporation owning any such connecting road, upon any terms upon which the parties may agree.

Acceptance by subscribers.

§ 11. If the articles of association satisfied and provided for, in this act, shall be filled as herein prescribed, within three months after the judicial sale or sales of said eastern extension, the same shall be deemed an acceptance by the subscribers of the privileges and franchises conferred by this act, and it is hereby provided that such sale or sales, and reorganization shall not have the effect to destroy or impair any right or franchise which may now exist, extending from the eastern to the western boundary lines of the State, or any obligation or duty resting upon the owners or operators of any other portion formerly belonging to said first mentioned corporation, to run, use or operate the same, or permit the same to be run, used or operated as a continuous line across the whole State, but the said railroad shall be run, used or operated as designed and intended by the State in granting the franchise therefor, in and by the original act of incorporation and the several acts amendatory thereof, from the Mississippi river to the eastern boundary of this State, as a continuous line of road.

Exchange of stock.

§ 12. The said corporation, when so organized, shall reserve out of its shares of common stock, and shall issue to the city of Peoria, and county of Iroquois, one share of common stock in the new corporation, in exchange for every share of stock in the old corporation, which was originally subscribed for the said eastern extension, herein first men-

tioned, and amounting in the aggregate to \$150,000, at par, now held by said city and county respectively: *Provided*, that if said city and county, or either, shall not accept said shares of common stock after three months' notice from the new corporation of its readiness to deliver the same, then their rights to such shares shall terminate, and said new corporation may then dispose of the same as it shall see fit; and said corporation shall also reserve out of its shares of common stock, and shall issue to such other persons as are now the holders of full paid shares of the stock of said first mentioned company, which were subscribed specifically for, or towards, said eastern extension, one share of common stock in the new corporation, for every share of such stock, so specifically subscribed for: *Provided, however*, and upon this express condition, that any person failing to call for and demand such share of common stock, within three months after public notice by the new corporation, through one or more newspapers published in the cities of Peoria and Chicago, in this State, of its readiness to deliver the same, and failing also to pay to the new corporation one dollar in cash for every share of such common stock, shall not thereafter be entitled to have or demand the same, and said corporation may dispose of such shares of common stock as it shall see fit.

§ 13. Said new corporation shall have the right to purchase and hold lands in the city of Peoria, for depot and other purposes, in connection with the uses of its road.

§ 14. This act shall be a public act and shall take effect and be in force from and after its passage.

APPROVED February 14, 1863.

AN ACT to incorporate the Branch Railroad Company.

In force February
16, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That George A. Thomson, Charles I. Thompson, John Q. R. Pease, Perry H. Smith, James R. Young, Alexander C. Coventry, and William O. Wheeler, their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Branch Railroad Company;" and by that name be and they are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity, in this State or elsewhere; to make, have and use a common

Corporators.

Name and powers

seal, and the same to renew and alter at pleasure; and they are hereby authorized to make and publish all necessary rules, regulations or by-laws, for the carrying out of the purposes intended by this act and to alter and change the same at pleasure.

Capital stock.

§ 2. The capital stock of said company shall be two hundred and fifty thousand dollars, which may be increased by said company to any sum, not exceeding one million of dollars, which may be divided into shares of hundred dollars each, which shall be deemed personal property, and may be issued and transferred in such manner as the board of directors may prescribe.

Route and construction.

§ 3. The corporation hereby created shall have power to locate, construct, furnish, maintain and operate a railroad, with one or more tracks, commencing at the most convenient point on the line of the Racine and Mississippi Railroad, between the towns of Beloit and Durand, in the county of Winnebago, in this State, to run from such point where designated by the board of directors, to the Wisconsin State line, in the direction of Broadhead, in the State of Wisconsin, on such line as may be finally designated by the board of directors, there to intersect with the Sugar River Valley Railroad, and with all necessary side tracks, turnouts, switches, depots, stations, and all necessary buildings, erections and structures, and for this purpose they are hereby vested with all the powers necessary for the purchasing, taking, holding and selling and transferring property, real and personal, as natural persons, as the board of directors may deem necessary, to carry out the object of this act.

Right of way, materials, etc.

§ 4. For the purpose of acquiring the rights of way for the construction of said road, side tracks, and turnouts, and grounds for depots, stations or other buildings, erections and structures, and for the purpose of obtaining stone, gravel and other material for building, ballasting or repairing the same, and of a right of way to said material, the said company be and they are hereby authorized and empowered to take, condemn and use the same, under the provisions of an act to amend the law condemning the rights of way for purposes of internal improvements, approved June 22d, 1852.

Connections and consolidations.

§ 5. Said company shall have power to unite, connect or consolidate its railroads with any other railroad constructed or which may be hereafter constructed, either in this State or the State of Wisconsin, upon such terms as may be mutually agreed upon between the companies so uniting, connecting or consolidating; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection or consolidation; and the said corporation may, furthermore, lease or purchase,

upon such terms as may be agreed upon, any other road or parts of road, either wholly or partially constructed, which may constitute or be adopted as a part of their main line; and by such lease or purchase they shall acquire and become vested with all the rights and franchises pertaining to such road or part of road, so leased or purchased, in the right of way, construction, maintenance and working thereof.

§ 6. The said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for the completing, equipping, furnishing and maintaining their said railroad, and to issue and dispose of the bonds, at such rate of interest and at such discount as may be thought for the benefit of the company, and to mortgage their corporate property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company, for the purpose aforesaid. And the directors of said company may confer on any bondholder of any bond issued for money borrowed, as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time, and may, further, authorize the holder of any such bond to vote at any and all elections for the election of officers for said corporation, under such regulations as the directors of said company may see fit to adopt; and any such bonds that may be sold or disposed of at a less rate than par shall be as valid and binding upon said company as if the same were sold for the par value thereof. May borrow money.

§ 7. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than five nor more than eleven members, and such officers, agents and servants, as they shall appoint. Vacancies in all the board of directors may be filled by a vote of two-thirds of the directors remaining—such appointees to continue in office until the next annual election of directors; which said annual election shall be held at such time and place as may be designated and fixed by the by-laws of said company, thirty days' printed notice being given in two newspapers having circulation along the line of the said railroad. Directors.

§ 8. George A. Thomson, Charles I. Thompson, John J. R. Pease, Perry H. Smith, James R. Young, Alexander C. Coventry and William O. Wheeler shall be the first directors of said corporation, and shall, respectively, hold their offices until their successors are elected and qualified. First board of directors.

§ 9. This act shall be deemed a public act, and take effect from and after its passage.

APPROVED February 16, 1863.

In force February
12, 1863.

AN ACT to incorporate the Hannibal and Naples Railroad Company.

Corporators.

Style—powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Alexander Starne, Benjamin D. Brown, Ozias M. Hatch, George Wike, George W. Shields, J. G. Helme, James McWilliams and Scott Wike, the purchasers at sheriff's sale of the property and franchises of the Pike County Railroad, and their associates, successors, heirs and assigns, be and they are hereby created a corporation, by the name of the "Hannibal and Naples Railroad Company;" and, as such, shall possess the rights, powers and franchises usually possessed by such corporations, and, also, all the privileges, powers, rights and franchises, at any time heretofore possessed by the Pike County Railroad Company; and, in their corporate name, shall [have] full power, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity, in this State, or any other place; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And said company are hereby authorized and empowered to construct, build, fully complete, maintain and use a railroad, commencing on the east bank of the Mississippi river, at some point in Pike county, opposite, or nearly opposite, the city of Hannibal, in the State of Missouri, running eastwardly across said Pike county, to the town of Naples, in Scott county, Illinois, crossing the Illinois river, at some point between Griggsville landing, in said Pike county and Naples, aforesaid, or to some point within three miles thereof. And said company shall have power, in the construction of said road, to adopt any route or survey adopted or made by the Pike County Railroad Company; or they may, and they are hereby empowered to cause such other surveys to be made, and adopt such other routes as may become practicable and expedient.

Capital stock.

§ 2. Said company shall have power to fix the amount of the capital stock of said company, not to exceed \$1,500,000; to divide, transfer and increase the same at pleasure; to borrow money, issue bonds and certificates of shares, and pledge or mortgage its property or franchises; to condemn, according to law, lands necessary for the track of said road, and for the turnouts, side tracks, and sites for depots, engine houses, and other buildings necessary for the convenience and accommodation of said railroad; to consolidate its capital stock and franchises with any other railroad company, for the construction, use or maintainance of said railroad,

and for the construction and maintenance of the bridge hereinafter mentioned.

§ 3. And said company shall have power to construct, build, use and maintain, for railroad and other purposes, and as a public highway, a bridge across the Illinois river, at a point between said Griggsville landing and Naples, aforesaid, in such manner as shall not materially obstruct or interfere with the free navigation of said river, and, for such purpose shall have power to condemn lands, according to the provisions of an act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22d, 1852, or in any other manner provided by law, and make and establish rules and regulations for the use of the same, and to sell or lease the same or the use thereof, or the franchises of said company in the same to any company or corporation.

May construct a bridge.

§ 4. That the said company be and they are hereby authorized to negotiate and sell the bonds of said company, at such times, at such places, and such rates, and for such prices, either within or without this State, as in their opinion will best advance the interests of said company; and if such bonds are thus negotiated and sold at a discount below their par value, such sale and disposition thereof shall be as valid and binding on the company, in every respect, as if sold at their par value. And to secure the payment of said bonds said company shall have full power to execute mortgages or deeds of trust, which shall be binding upon said company, to all intents and purposes.

May sell bonds.

§ 5. Whenever it shall be necessary, for the construction of said road, to intersect or cross a track of any other railroad, or any stream of water or water course, or road or highway, it shall be lawful for said company to construct their said road across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, or road or highway, thus intersected or crossed, to its former state, or in a manner not materially to impair its usefulness.

Crossing of other roads.

§ 6. That the right of way and the real estate for the right of way, and for the purposes aforesaid, purchased by said company, whether by mutual agreement or otherwise, or which shall become the property of said company, by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said land, as a compensation for the same, become the property of said company in fee simple.

Right of way.

§ 7. *Be it further enacted*, That all the rights, privileges and advantages, with the limitations and restrictions conferred upon the Illinois Central Railroad Company, also the rights, privileges and advantages conferred by an act entitled "An act to provide for a general system of railroad incorporations," approved November 5, 1849, and the several acts

General powers and privileges.

amendatory thereto, are hereby conferred upon said Hannibal and Naples Railroad Company.

Election of officers.

§ 8. The said company shall, within one year after the passage of this act, elect one of their number president of said company; and said company may elect or appoint all necessary clerks, secretary, treasurer, and other officers necessary in the transaction of the business of said company; which president and other officers aforesaid shall be removable from their respective offices at the pleasure of the company; and said company shall have the power and they are hereby authorized and empowered to make all necessary by-laws, rules, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes and to carry into effect the provisions of this act, and for conducting the business and affairs of said company.

§ 9. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1863.

In force June 11, 1863. AN ACT to incorporate the Peoria, Pekin and Jacksonville Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Lucius Hopkins, Alexander Studwell, and George T. Cobb, trustees in the first mortgage or deed of trust, executed to them by the "Illinois River Railroad Company," and dated the first day of November, A. D. 1858; and Aaron Arnold, John Allen, Edwin L. Trowbridge, holders of bonds or obligations secured by said first mortgage or deed of trust, and their associates, who shall hereafter become purchasers of the railroad premises, franchises and property, described in said first mortgage or deed of trust, under or by virtue of the foreclosure thereof, or under or by virtue of any decree made, or hereafter to be made by any court within this State, directing or ordering the sale of said railroad premises, franchises and property, are hereby created a body corporate and politic, by and under the name of the Peoria, Pekin and Jacksonville Railroad Company, with perpetual succession.

To purchase property.

§ 2. The said corporation hereby created is hereby authorized and empowered to purchase and become the owner of all and singular the railroad franchises, premises, property, real, personal and mixed, described in the afore-

said first mortgage or deed of trust, and to use and enjoy the same; and that upon receiving a proper transfer, conveyance and assignment of the same, the said corporation hereby created, shall thereupon have, possess, and be vested with, and may lawfully use, enjoy and exercise any or all the corporate power, privileges, rights, immunities and franchises heretofore given or granted to the Illinois River Railroad Company, under or by virtue of any act or acts of the General Assembly of the State of Illinois.

§ 3. This act to take effect and be in full force from and after its passage.

APPROVED June 11, 1863.

AN ACT to authorize the Saint Louis, Alton and Terre Haute Railroad Company to extend its railroad, and form a connection with the Illinois Central Railroad. In force February 13, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Saint Louis, Alton and Terre Haute Railroad Company shall have power and it is hereby authorized to extend its railroad, from its present terminus, in the city of Belleville, in the county of St. Clair, in a southeasterly direction, to the Illinois Central Railroad, and to unite and form a connection with the same; and, for that purpose, full power is given to said company to make and execute such contracts, with any other company, as will secure the construction of said road, and the object of said connection.

§ 2. That said St. Louis, Alton and Terre Haute Railroad Company, in the extension aforesaid, and in the construction and operation of a railroad, from Belleville, in St. Clair county, to the Illinois Central Railroad, shall have, possess and exercise all the powers, faculties, privileges, immunities and franchises now and at any time held by said company, or by the Terre Haute, Alton and St. Louis Railroad Company, during its existence, by or under any law of this State; and shall, also, have power to create and issue additional stock, and to such aggregate amount as shall be deemed proper to create and issue. May issue additional stock.

AN ACT to authorize the Chicago and North Western Railway Company to create and issue preferred capital stock in exchange for its second mortgage bonds and coupons, and to consolidate with other companies. In force February 13, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Chicago and North Western Railway Company shall have

power, for the purpose of funding its second mortgage bonds and coupons, or any of them, to create and issue a preferred capital stock, in shares of one hundred dollars each, and to such aggregate amount as shall be necessary for the said purpose; and may establish preferences in respect to dividends, in favor of said stock, in such manner and to such extent and with such securities as it may deem expedient; and may exchange said stock, at par, for all or any part of its second mortgage bonds, and may fund the coupons issued with said bonds in said stock, and may exchange said stock at par for all or any part of said coupons.

§ 2. The said company or companies which it may connect or intersect, are hereby authorized to make running connections with each other, or consolidate their property,

§ 9. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1863.

In force June 11, 1863, AN ACT to incorporate the Peoria, Pekin and Jacksonville Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Lucius Hopkins, Alexander Studwell, and George T. Cobb, trustees in the first mortgage or deed of trust, executed to them by the "Illinois River Railroad Company," and dated the first day of November, A. D. 1858; and Aaron Arnold, John Allen, Edwin L. Trowbridge, holders of bonds or obligations secured by said first mortgage or deed of trust, and their associates, who shall hereafter become purchasers of the railroad premises, franchises and property, described in said first mortgage or deed of trust, under or by virtue of the foreclosure thereof, or under or by virtue of any decree made, or hereafter to be made by any court within this State, directing or ordering the sale of said railroad premises, *Valley Railroad*; and, for that purpose, full power is hereby given to said company to make and execute such contracts, with any other company, as will secure the construction of said road and the objects of said connection.

§ 2. The said St. Louis, Alton and Terre Haute Railroad Company, in the construction and operation of said railroad, from Paris to the State line, and for the purposes of said extension and construction, shall have, possess, and

Corporators.

exercise all the powers, faculties, privileges, immunities and franchises now and at any time held by said company, or held by the Terre Haute, Alton and St. Louis Railroad Company, during its existence, by or under any law of this State; and shall also have power to create and issue additional stock, and to such aggregate amount as shall be deemed necessary, to carry out the objects of this act.

Power to issue additional stock.

§ 3. This act shall be deemed a public act, and shall take effect and be in force, from and after its passage.

APPROVED Feb. 20, 1863.

AN ACT to authorize the Saint Louis, Alton and Terre Haute Railroad Company to extend its railroad, and form a connection with the Illinois Central Railroad. In force February 13, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Saint Louis, Alton and Terre Haute Railroad Company shall have power and it is hereby authorized to extend its railroad, from its present terminus, in the city of Belleville, in the county of St. Clair, in a southeasterly direction, to the Illinois Central Railroad, and to unite and form a connection with the same; and, for that purpose, full power is given to said company to make and execute such contracts, with any other company, as will secure the construction of said road, and the object of said connection.

Extension of road.

§ 2. That said St. Louis, Alton and Terre Haute Railroad Company, in the extension aforesaid, and in the construction and operation of a railroad, from Belleville, in St. Clair county, to the Illinois Central Railroad, shall have, possess and exercise all the powers, faculties, privileges, immunities and franchises now and at any time held by said company, or by the Terre Haute, Alton and St. Louis Railroad Company, during its existence, by or under any law of this State; and shall, also, have power to create and issue additional stock, and to such aggregate amount as shall be deemed necessary, to carry out the object of this act.

Powers.

May issue additional stock.

§ 3. This act shall be deemed a public act, and shall take effect and be in force, from and after its passage.

APPROVED Feb. 13, 1863.

In force February 14, 1861. AN ACT to amend an act entitled "An act to incorporate the Illinois Southern Railroad Company," approved January 31st, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Illinois Southern Railroad Company be and are hereby authorized, under and in accordance with their chartered privileges, to extend their line of railroad, by building a branch railroad, from some point, on their present line of railroad, at or near Harrisburgh in Saline county, to Brooklyn, in Massac county. And said company is further authorized, hereby, in like manner, to build another branch railroad, from some point on the line of their road, at or near St. Francisville, to the Lawrenceville station, on the Ohio and Mississippi railroad, in Lawrence county, in this State.

May construct
branch roads.

§ 2. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED February 14, 1863.

In force February 14, 1863. AN ACT to enable purchasers of railroads sold under mortgages, deeds of trust, or otherwise, hereinafter mentioned, to become corporations.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be competent and lawful for the purchaser or purchasers of the Peoria and Oquawka Railroad, the Racine and Mississippi Railroad, and the Quincy and Chicago Railroad, or either of them said railroads, under any mortgage or deed of trust, or by virtue of the decree of any proper court, for the purpose of more conveniently managing the same to associate with themselves such persons or parties as they shall see fit and proper therein; and to cause to be made and issued to the parties so associated certificates of stock of the same designations and descriptions as were issued under the original charter, and acts incorporating the company, which may have owned such road theretofore: *Provided, however,* that the whole amount of such stock so issued shall not exceed the amount of the cost of said road and the equipment thereof, estimated at fifty thousand dollars per mile.

Purchasers to as-
sociate others
with them.

§ 2. There shall be called, by the purchasers of said road, a meeting of the parties holding certificates of stock so issued, to be held at some place in this State, at such time as may be convenient. At which meeting, so called, all of the holders of said stock or certificates may be represented by person or by proxy; and the stockholders so present, in person or by proxy, shall be authorized and empowered to elect a board of directors, to consist of the same number as was provided in the original charter and

To elect direct-
ors.

acts incorporating the corporation by which the said road was constructed ; and thereupon, the said stockholders shall become entitled to all the rights and privileges, and corporate franchises granted and created by the original charter and acts of incorporation, so far as they pertain to and are applicable to the road so sold and purchased : *Provided*, Proviso. *however*, there shall be filed with the Secretary of State, under the signatures of a majority of the stockholders in the new corporation, describing the road so sold, its extent and its termini, and the acts of incorporation under which it was constructed, and setting forth the proceedings of said meeting, the name adopted for the company so organized, and its election to adopt the charter and acts amendatory thereto, within sixty days after such meeting and actions, and certified also under the name and seal of the newly organized corporation ; and upon filing such certificate, the persons so associated, and their successors, shall be a body politic and corporate, by the name stated in such certificate ; and a copy of such certificate, attested by the signature of the Secretary of State, or his deputy, shall, in all courts and places, be evidence of the formation and existence of the said corporation, and of the facts in said certificate stated : *And provided, further*, it shall be competent for said stockholders, in such certificates, to adopt such acts of the legislature, under which such road was constructed and built, as they may deem advisable ; but they shall not be entitled to retain any rights and privileges, nor be entitled to the benefits of any acts conferring power and privileges beyond and not appertaining to the road and appurtenances, or to the part thereof actually sold.

§ 3. The stockholders in such newly organized corporation shall have the right to consolidate their stock and property with the stock and property of any other railroad company with whose road its line may connect or intersect, under the same restrictions, and in the same manner, and with the same rights as are provided in and by an act to enable railroad companies and plank road companies to consolidate their stock, approved February the 28th, A. D., 1854. May consolidate with other companies. Nothing in this act contained shall be construed either on the one hand so as to impose or on the other so as to impair or destroy any obligation or duty upon the persons purchasing or owning a part or parts of any continuous line of railroad to use and operate the part or parts so purchased or owned, in connection with the remaining part or parts of said continuous line ; but such obligation and duty shall be and remain such and such only as they would have been had this act not have been passed, hereby declaring that the franchises of the Peoria and Oquawka Railroad shall not be impaired.

This act shall be in force from and after its passage.

APPROVED February 14, 1863.

In force June 10, 1863. A BILL to enable the purchasers of the west end of the Peoria and Oquawka Railroad, sold under mortgage, deed of trust, or otherwise to become a corporation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be competent and lawful for the purchasers of that portion of the Peoria and Oquawka Railroad which lies west of the Illinois river, sold, or which may hereafter be sold under any mortgage, or deed of trust, or by virtue of the decree of any proper court, for the purpose of more conveniently managing the same, to associate with themselves such persons or parties as they shall see fit and proper, and to cause to be made and issued to the persons and parties so associated, certificates of stock of the same designations and descriptions as were issued under the original charter and acts incorporating the company which owned such road theretofore: *Provided, however,* that the whole amount of such stock so issued shall not exceed the amount of the cost of said road and the equipment therefor, estimated at fifty thousand dollars per mile.

§ 2. There shall be called, by the purchasers of said part of said road, a meeting of the parties holding certificates of stock so issued, to be held at some place in this State, at such time as may be convenient, at which meeting all of the holders of said stock or certificates shall be represented, in person or by proxy; and the stockholders so present, in person or by proxy, shall be authorized and empowered to elect a board of directors, to consist of the same number as was provided for in the original charter and acts incorporating the Peoria and Oquawka Railroad Company, by which the said part of said road was constructed; and thereupon the said stockholders shall become entitled to all the rights and privileges and corporate franchises granted and created by the original charter of said company, approved February 12, A. D. 1840: *Provided, however,* that there should be filed, within sixty days after said meeting, with the Secretary of State, under the signatures of all the stockholders in the new corporation, a certificate, setting forth the proceedings of said meeting, and the name adopted for the company so organized, which said certificate shall also be certified under the name and seal of the newly organized corporation; and upon filing such a certificate, the persons and parties so associated, and their successors, shall be a body politic and corporate, by the name stated in such certificate; and a copy of such certificate, attested by the signature of the Secretary of State or his deputy, shall, in all courts and places, be evidence of the formation and existence of the said corporation, and of the facts in said certificate stated; but the said new corporation shall not be entitled to the benefit of any other act or acts conferring

Issue of certificates of stock.

Election of board of directors.

Certificate of organization.

power or privileges, beyond and not appertaining to the part of the road actually sold and its appurtenances.

§ 3. The stockholders in such newly organized corporation shall have the right to consolidate their stock and property with the stock and property of any other railroad company with whose road its line may connect or intersect, with the same restrictions, and in the same manner, and with the same rights as are provided in and by an act entitled "An act to enable railroad companies and plankroad companies to consolicate their stock," approved February 28, A. D. 1854, and such consolidated company shall have the right to borrow money at any rate of interest on its bonds, and to mortgage the whole or any part of its road to secure the payment thereof.

Right to consolidate and borrow money.

§ 4. Nothing in this act contained shall be so construed as either on the one hand to impose, or on the other to destroy or impair any obligation or duty upon the persons purchasing or parties owning such part of said railroad to use or operate the same in connection with the remaining part of said road lying east of the Illinois river; but such obligation and duty shall be and remain such and such only, as they would have been had this act not been passed. This act shall take effect and be in force from and after its passage.

Existing obligations to remain.

APPROVED, June 10, 1863.

AN ACT to reduce into one act the several acts incorporating and relating to the Warsaw and Rockford Railroad, and to amend the same. In force February 21, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whereas the Warsaw and Rockford Railroad Company have, under and pursuant to the several acts incorporating and relating to the said company, partially constructed a railroad from Warsaw, in Hancock county, to Port Byron, in Rock Island county, and are desirous of completing said road, and extending the same to Galena, in the county of Jo Davies, and to reduce into one act the several acts incorporating and relating to said company and to change the name thereof; therefore, *Be it enacted, as aforesaid,* That the stockholders in the Warsaw and Rockford Railroad Company, the associates, successors and assigns, are hereby constituted and continued a body corporate and politic, with perpetual succession, by the name and style of the "Warsaw, Rock Island and Galena Railroad Company," and, as such, may sue and be sued, complain and defend, at law and in equity, in all courts and places whatsoever; may have and use a common

Name of consolidated company.

seal, and alter and renew the same at pleasure; and have and exercise all the powers necessary to carry into effect the purposes of this act; and shall succeed to and be vested with all the rights, franchises, property and effects of the said Warsaw and Rockford Railroad Company; and be subject to the same relations and liabilities, existing in favor of and against said named company.

Route of road.

§ 2. The said corporation is authorized and empowered to locate, construct and complete a railroad, with single or double track, from the city of Warsaw to the city of Rock Island, and thence to the city of Galena—all in the State of Illinois—upon such line or route as has been or may be designated and selected for the purpose, by the directors of said corporation, and to construct and operate a branch of said road from Appanoose, in Hancock county, to connect with the Mississippi and Wabash railroad at Elveston, with all the powers, rights and privileges in relation thereto, as in relation to the main line of said road; and to continue the same and the use thereof, for the period herein mentioned; to prescribe the manner of using said road, and the force by which the carriages used thereon shall be propelled; to regulate the time and manner of the transportation of persons and property thereon, and the rates of toll and charges therefor. And the said corporation may connect and consolidate said railroad, or any part thereof, with any railroad now constructed or hereafter to be constructed, to any point on the line of said road, or to transfer, by lease or otherwise, their said road and franchises or any part thereof, to any other company or person, upon such terms as may be agreed upon by the directors of the companies or other parties making such connection or transfer.

Branches.

Connections.

Right of way and assessment of damages.

§ 3. The said corporation may acquire and hold such real estate as may be necessary for accomplishing the objects of this act; and may, by its agents, engineers and surveyors, make all proper examinations and surveys for determining the most eligible route for said railroad; and may locate any part of the same, upon the route already selected therefor, or make such change in the lines thereof, as may be deemed expedient; and may appropriate, hold and use, for the purposes of said railroad, any and all right of way, work and materials owned by the aforesaid Warsaw and Rockford Railroad Company, or by the State, on any part of the route of their said road. Whenever any other lands or materials shall be taken and appropriated by said corporation, for the location or construction of said railroad or its appendages, and the same shall not be granted or released to said corporation, or the owners thereof do not agree with said corporation upon the amount of damages to be paid therefor, the amount of such damages shall be estimated and assessed in the manner and in accordance with the rule prescribed by the act concerning the right of way, approved March 3, 1845; and the

proceedings for the appointment and the return of the report of commissioners, and the acquiring by said corporation of the right to the lands and materials condemned, shall conform as near as may be, to the provisions of the said recited act and the amendments thereto.

§ 4. The capital stock of said corporation shall consist of the stock subscribed and taken in the said Warsaw and Rockford Railroad Company, and such further amounts of stock as may be subscribed and taken in this corporation, under the orders of the board of directors thereof. The whole amount of the capital stock shall not exceed five millions of dollars; and the said stock shall be deemed personal property, and be divided into shares of one hundred dollars each, and shall be transferable in such manner as the by-laws of the company shall prescribe. Payments for stock already subscribed, or which may hereafter be subscribed for, shall be made at such times, and in such proportions, and upon such conditions, as the board of directors may require, under the penalty of a forfeiture of the stock and all previous payments thereon. Notice of the time and place at which such payments are to be made, shall be given at least six weeks previous to such time, by personal service thereof upon the subscribers, or by publication in at least two public newspapers of the State, one of which shall be in the town or city where the principal office of said corporation is kept.

Amount of capital stock.

§ 5. The immediate government and direction of said corporation shall be vested in a board of seven directors, which number may be increased to nine by the stockholders, at their annual meetings, from and after the first election of directors after the passage of this act, which shall be on the first Wednesday of May hereafter, or by the board of directors, at any regular meeting, who shall execute the powers herein granted, appoint all necessary subordinate officers and servants, and have the general management and supervision of the affairs and business of said corporation. The board of directors shall be chosen annually, by the stockholders, from among themselves, at such time as above stated and place, and in such manner as the by-laws of said corporation may prescribe. At all meetings of the stockholders, each of them shall have one vote, in person or by lawful proxy, for each share of stock *bona fide* owned by him, her or they, at the time of and for ten days previous to such meeting. The directors may fill any vacancies in their board, until the next election; and a failure to elect directors, at any time required, shall not effect a dissolution of the corporation, but the directors for the time being shall serve until their successors are elected and take their places. The president and other directors of the Warsaw and Rockford Railroad Company shall continue to hold and exercise

Board of directors.

Vacancies in the board.

their respective offices until an election shall be held under the provisions of this act.

Loans.

§ 6. For the purpose of facilitating the construction of the said road, herein authorized, the said corporation is and shall be permitted to borrow such sum or sums of money as may be necessary for the completing and operating of said road, and to issue and dispose of its lands, upon such terms and conditions as may be deemed expedient, for the speedy completion of said road; and may secure the payment of its bonds, which shall not exceed the sum of five millions of dollars, by mortgage or deed of trust upon the said road, or any part thereof, and upon any and all of the property, effects, rights, franchises and income of said corporation.

Crossings.

§ 7. Whenever it shall be necessary, in the construction of said railroad, for the same to intersect or cross any stream of water, railroad, public road or highway, the said corporation may construct across or upon the same, in such manner as shall not materially impair the usefulness thereof.

Right of way
through streets
of towns.

§ 8. Towns, cities and counties, within which said road may be located, are severally authorized to grant, through their proper authority, to said corporation, the right of way upon and through any of their streets, alleys, roads, public grounds and landings and the privileges of filling out levees and landings, and the erection of proper depots and buildings on any of the same.

§ 9. Nothing in this act contained shall be so construed as to vest in said corporation any banking privileges or any power under which the same may be exercised.

Acceptance of
this act by the
company.

§ 10. If the board of directors of the Warsaw and Rockford Railroad Company, or a majority of them, shall, by an order, entered upon the records of said company, accept the provisions of this act, within six months from the passage thereof, such acceptance shall have the effect to transfer to and vest in the corporation by this act created, all the property and effects, books, papers, assets and credits of the said named company, and all rights and actions then belonging to or accruing in favor of said company; and also to subject the said corporation hereby created to all actions, rights and liabilities, then existing against said named company.

§ 11. This act shall take effect from and after its passage, and be deemed a public act, and be liberally construed in all courts and places whatsoever.

APPROVED February 21, 1863.

AN ACT in aid of the St. Louis, Jacksonville and Chicago Railroad Company. In force February 18, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That, whereas the Jacksonville, Alton and St. Louis Railroad Company and the Tonica and Petersburg Railroad Company have, by articles of consolidation, and a large majority vote of the stockholders of each of said companies, consolidated and united their property and stock, under the name and style of the "St. Louis, Jacksonville and Chicago Railroad Company," under and by virtue of the general law of this State, authorizing the consolidation of railroad companies, &c., approved February 28th, A. D., 1854, which said articles of consolidation, and all the proceedings with respect to the adoption and ratification of the same by the directors and stockholders of the respective constituent companies aforesaid, and to the election of the first board of directors of the said consolidated company, are hereby declared legal and valid: Now, therefore, the said consolidated company, under the name of the "St. Louis, Jacksonville and Chicago Railroad Company," shall enjoy, possess and exercise all the privileges, immunities and franchises which were possessed, enjoyed or granted by or to either and both of the constituent companies aforesaid. And all notes, bonds, contracts, agreements and promises, of every kind, made with either of the aforesaid late railroad companies, or their duly authorized agents, shall inure to the benefit of the said consolidated railroad company: *Provided*, that all subscribers who have subscribed to the capital stock of either of the aforesaid late railroad companies shall be deemed stockholders in the said new consolidated railroad company, to the extent and in proportion to the amount so subscribed, and shall be entitled to all the rights and subject to all the liabilities thereof, as provided in the articles of consolidation aforesaid.

Corporate name.

Corporate powers.

Stock in old company.

§ 2. That full authority is hereby given to the corporate authorities of the several counties, townships, cities, villages or other municipal corporations, owning or holding stock in either of the said late Jacksonville, Alton and St. Louis, and Tonica and Petersburg railroad companies, and to all persons holding the same in any fiduciary capacity, or otherwise, to transfer, assign or surrender the same, and to accept and receive from the said consolidated company such portion of the new stock as may be apportioned to the stock so owned and held.

Exchange of old stock.

§ 3. The said new consolidated company shall have power to extend and construct to and unite its railroad with any other railroad, now constructed or which may hereafter be constructed in this State, and shall, also, have power to build, construct and maintain its said railroad, from Jacksonville, north, to the city of Chicago, *via* Ottawa, or other-

Extension and connections.

wise, with a branch road to any point on the Illinois river, south of the city of Peru; and, for the purposes aforesaid, shall possess and exercise all the privileges, immunities and franchises, and shall enjoy over and along the line or lines of railroad so to be built and extended, as aforesaid, the same privileges, immunities, franchises and rights, which were granted to the said late Jacksonville, Alton and St. Louis, and Tonica and Petersburg railroad companies, by their respective charters and the several amendments thereto.

Construction of
road by divi-
sions.

§ 4. The board of directors of the said consolidated railroad company shall have power and authority to provide, in their by-laws, if in their discretion they shall think proper to do so, for the construction of said railroad, by divisions; but all subscriptions heretofore made to either of the said late railroad companies may be appropriated and expended in such manner and at such places on the line or lines of road as the board of directors of the said consolidated railroad company may determine, and all real, mixed or personal property, bonds, notes, contracts or choses in action, owned or possessed by either of the aforesaid late railroad companies, to wit: the Jacksonville, Alton and St. Louis, and Tonica and Petersburg railroad companies, shall, according to the articles of said consolidation, be vested in the new consolidated company, with full power to its board of directors and duly authorized agents to sell, lease, transfer or convey, by mortgage or deed of trust, or otherwise, as may be deemed for the interest of said company, any part or all of said railroad property; and all such sales, transfers, conveyances, mortgages or deeds of trust shall be binding and valid and of full effect in law and equity. And the directors may in their discretion incorporate a condition in the mortgage bonds which they are authorized to issue by which the holder or holders of such bonds shall have the right to vote at all elections of directors for said company upon such conditions as may be deemed expedient by said directors.

Transfer or sale
of property.

§ 5. The said new consolidated company may increase its capital stock to any amount necessary to complete and equip said road, not exceeding the amount necessary therefor; and books of subscription for said stock shall be opened at the treasurer's office, in the town of Jacksonville, or elsewhere, as may be directed by the board of directors; which new subscription shall be under the same rules, restrictions and penalties as provided for in the charters and amendments of the aforesaid late railroad companies.

Amount of capi-
tal stock.

§ 6. The certificate of the secretary of the said new consolidated company, under the corporate seal thereof, shall be received in all courts of justice and elsewhere as evidence of the regular organization of said consolidated company, under its consolidated charter, and of any act or order

Secretary's certi-
ficate of organi-
zation.

of the board of directors of said company ; and all the acts and doings of the said constituent companies and of the said consolidated company, in the consolidation and organization of the St. Louis, Jacksonville and Chicago Railroad Company, are hereby declared to be good and valid ; and all the rights, privileges and immunities and franchises of each of the said late Jacksonville, Alton and St. Louis, and Tonica and Petersburg Railroad Companies, as possessed, enjoyed or granted by or to them, are hereby declared to be lawfully vested in and owned by the said new consolidated company, under the name of the St. Louis, Jacksonville and Chicago Railroad Company.

§ 7. That in case the said new consolidated company shall, hereafter, make and execute any deed or deeds of trust, mortgage or mortgages or other conveyances of all or any part of their said railroad, and the same should thereafter be foreclosed and sold by any proceedings in law or equity or in pursuance of a power or powers in such mortgage or mortgages, deed or deeds of trust contained, or by the joint exercise of the said authorities, the purchaser or purchasers of the same, or their survivors or survivor, or they or he and his associates, or their or his assigns, may form a corporation, by filing in the office of the Secretary of State, under their or his signatures, a certificate, specifying the name of such corporation, the number of directors, the names of the first directors, and the period of their services, not exceeding two years, the amount of original capital, and the number of shares into which such capital is to be divided ; and, thereupon, the person or persons who shall have signed such certificate shall be a body politic and corporate, by the name stated in such certificate ; and a copy of such certificate, attested by the signature of the Secretary of State, or his deputy, shall, in all courts and places, be evidence of the due formation and existence of the said corporation and of the facts in the said certificate stated ; and the corporation, in pursuance thereof, shall have and enjoy all the rights, privileges, immunities and franchises granted to or belonging to said new consolidated St. Louis, Jacksonville and Chicago Railroad Company.

Provisions in case
of mortgage
sales.

§ 8. That the St. Louis, Jacksonville and Chicago Railroad Company may, at any time hereafter, in its discretion, build such part or portion of the railroad which it is now authorized to construct, and those parts or portions only, which its directors shall think most expedient for the interests of said company, and shall have power to extend its main line, and to build a branch or branches from such main line to any other railroad or railroads with which it may be able to make a connection, so as with such other railroad or railroads to form a continuous line ; and, in respect to such extension and branches, shall have all the powers, rights

Construction of
branch railroads

and privileges it now has in regard to its main line or any part thereof.

APPROVED February 13, 1863.

In force February
21, 1863.

AN ACT to incorporate the Fulton Railroad Company.

Corporate name
and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James McCoy, Henry C. Fellows, Leander Smith, Irving G. Gates, N. W. Hubbard, W. C. Snyder, and John Phelps, their successors and assigns, are hereby constituted a body corporate and politic, by the name and style of "The Fulton Railroad Company," and by that name shall have succession for the term of ninety years, from and after the passage of this act; and may, by that name, contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity; may have and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations, for the management of its property, the regulation of its affairs, and for the transfer of its stock, not inconsistent with the laws and constitution of this State or of the United States; and may, moreover, appoint such subordinate agents, officers and servants as the business of the said corporation may require, and allow them a suitable compensation, prescribe their duties, and require bond for the faithful performance thereof, in such penal sums, and with such securities as they may choose, who shall hold their offices during the pleasure of a majority of the directors of the said corporation.

Route of the
road.

§ 2. The said corporation shall have the right to survey, locate and construct, and, during its continuance, to maintain and continue a railroad, with single or double track, and with such appendages as may be deemed necessary for the convenient use of the same, from the city of Fulton, in Whiteside county, and State of Illinois, to the city of Rock Island, in Rock Island county, and State of Illinois, with lateral lines to the coal fields in said counties; and to locate and construct the same, on such line, course or way, as may be designated and selected by the directors of said corporation whereon to construct and locate the same; and may, also, prescribe the manner in which said railroad shall be used, by what power the carriages to be used thereon may be propelled, to regulate the time and manner in which goods, effects and passengers may be transported and carried on the same, and the rates of toll on the transportation of persons and property thereon.

§ 3. The capital stock of said corporation shall be nine hundred thousand dollars; shall be deemed personal property, and divided into shares of one hundred dollars each; be subscribed for and taken under the direction of the directors of said corporation and hereinafter named commissioners; books to be opened for that purpose, in such manner as may be prescribed by the by-laws of said corporation, and in pursuance with the provisions of the fourth section hereof.

Capital stock.

§ 4. The following named persons, to-wit: James McCoy, Leander Smith, Irving G. Gates, N. W. Hubbard and John Phelps, of Whiteside county, State of Illinois, shall be commissioners for receiving subscriptions to the capital stock of said corporation, who shall, within twelve months from the passage of this act, cause books to be opened, at such times and places as they may deem proper, for receiving subscriptions to said capital stock. Notice of the time and places when and where the books will be opened to be given by publication, for at least thirty days, previous to opening the same, in some weekly newspaper published in the county of Whiteside. On opening said books, said commissioners shall attend, by themselves or agents, and continue to receive subscriptions to the capital stock of said corporation, from all persons who will subscribe thereto, until fifty thousand dollars thereof shall have been subscribed. Each subscriber shall, at the time of subscribing, pay to the commissioners or directors the sum of five dollars on each share of the stock subscribed for by him; and the said commissioners shall, so soon as the directors of said corporation are elected, deliver to them the whole amount so received, and also all subscription books and papers belonging to said company. A majority of said commissioners may fill any vacancies that may occur in their number, by death, resignation or otherwise.

Commissioners
for subscription.

§ 5. The affairs of said corporation shall be managed by a board of seven directors, to be chosen annually, after the first election, by the stockholders, from among themselves. The first election for directors shall be holden, as soon as may be, after the said fifty thousand dollar stock shall have been subscribed. The commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of directors. And at the time and place appointed for that purpose, the commissioners, or a majority of them, shall attend, and act as inspectors of said election. The stockholders who shall be present, shall proceed, by ballot, to elect their directors; and the commissioners present shall certify the result of such election, under their hands; which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named. All future elections shall be held at the times and in the manner pre-

Board of directors.

scribed by the by-laws and regulations of said corporation. Each stockholder shall be entitled to vote, in person, one vote for every share he may own at the commencement of each election; and a plurality of votes may determine the choice; but no stockholder shall be allowed to vote at any election, after the first, for any stock which shall have been assigned to him within thirty days previous to holding such election.

Elections.

§ 6. At the first meeting of said directors, after their said election, they shall elect, by ballot, from their own number, a president, vice-president and treasurer. The president shall preside at all meetings of said directors, if present; and, when absent, the vice-president shall preside. And a majority of said directors shall constitute a quorum for the transaction of business. Said board of directors shall have power to fill all vacancies in said board.

Officers of the board.

Secretary.

§ 7. The directors shall employ a suitable person to act as secretary, to keep a correct and full account of all its affairs, which shall, at all times, be subject to the inspection of any stockholder; and shall employ such other clerks, managers and agents as they may deem essential to the good of said company.

Treasurer's bond.

§ 8. The treasurer, before entrusted with the funds of said company, shall give bond, with security, to the satisfaction of said board of directors, conditioned for the safe keeping of all moneys, subject to the order of said board, and for the faithful performance of his duties.

Qualifications of stockholders.

§ 9. No person shall become a stockholder in this company, by subscription, unless he shall be worth, in money or property, or both, the amount of money by him, her or them subscribed, at the date of such subscription, over and above all his, her or their indebtedness and rights secured to them under any exemption laws of the State of Illinois, or of such State or territory in which said subscriber may reside at date of said subscription; and all sums subscribed to the capital stock of said company, not coming within the foregoing provisions, in this section contained, shall be deemed void, at the election of said directors.

Payment of subscriptions.

§ 10. No stockholder shall be entitled to vote at any election for the officers of said company, unless he shall first have paid all calls of stock made upon him by the board of directors of said company, if the time has elapsed for the payment thereof after said call.

§ 11. It shall be lawful for the directors to require payment of the subscriptions to the capital stock, at such times and in such proportions, and on such conditions as they shall deem proper, under the penalty of the forfeiture of the stock and all previous payments thereon; and they shall give notice of the payments thus required, and of the place where and the time when the same are required to be paid, at least thirty days previous to the time of requiring pay-

ments, by publication in such newspaper and for such time as said directors shall direct.

§ 12. The said corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this corporation is granted, and may, by their agents, engineers and surveyors, enter upon and take possession of and use all such lands and real estate as may be necessary and indispensable for the construction and maintenance of said railroad and appendages and accommodations requisite and appertaining thereto, and may, also, receive, take and hold, all such voluntary grants and donations of lands and real estate as shall be made to the corporation, for the purposes aforesaid; but whenever any lands, real estate or materials shall be taken and appropriated by said corporation, for the location or construction of said railroad or its appendages, or any work appertaining thereto, and the same may not be given or granted to said corporation, or the proprietor or proprietors do not agree with said corporation as to the amount of damages or compensation which ought to be allowed and paid therefor, or shall not mutually agree on some person or persons to appraise the same, damages shall be estimated and assessed in manner following, to-wit: the said corporation, or the owner or owners of said lands may, on giving notice of their intended application, and the time and place of making the same, apply, by petition, to the judge of the circuit court of the county in which said lands may lie; or in the absence of the said judge from said county, then to the county judge, particularly describing in said petition the lands to be appraised; and upon proof that reasonable notice has been given, as directed, the said circuit judge, or, in his absence, then the county judge, shall, upon hearing the petition, appoint three disinterested freeholders, residents of the county in which said lands may be situated, as commissioners, for the purpose of assessing such damages, and the order in which they are appointed shall specify the lands proposed to be appropriated and occupied by the corporation, for the purposes aforesaid. The said appraisers, after being duly and legally sworn, by some officer legally authorized to administer oaths, honestly and impartially to assess such damages, shall proceed, by viewing said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each owner shall sustain by the appropriation of his lands for the purposes aforesaid. The said appraisers shall make a report, in writing, to said judge of the circuit or county court, as the case may be, reciting the order of their appointments, and specifying the several parcels of lands described therein, the names of the owner or owners of the respective parcels of land, if known—if not known, stating that fact, and specifying, also, the damages

Purchase of real estate and entering upon lands.

Mode of appraisal and assessment of damages.

Report of appraisers.

which the owner of the respective parcels will sustain by reason of the appropriation of the same for the purpose aforesaid; which said report shall be filed in the office of the clerk of the circuit or county court, as the case may be, in which said lands may lie. Should either party be dissatisfied with said assessments, the said judge may, at the next term of the circuit or county court, as the case may be, on hearing the parties in interest, or, if both do not appear, on proof of notice being given to the opposite party, modify the said assessments, as to him shall appear just. At the said term of the court, as aforesaid, holden next after the filing of said report, as aforesaid, a record shall be made of the report, with the order of the said court thereon, accepting or modifying the same. On the payment of damages, if any, thus assessed, and the expenses of assessment, the corporation shall immediately become seized and possessed of the said lands and property, and entitled to the use of the same for the purposes aforesaid.

Decision of court.

Proceedings in case of minors, married women, etc.

§ 13. When the lands or any other property or estate of any married woman, infant, or person *non compos mentis*, shall be necessary for the construction of the said railroad, or its appendages, the husband of such married woman, or the guardian of such infant or person *non compos mentis*, may release all damages in relation to the land, property or estate to be taken and appropriated, as aforesaid, as fully as they might do if the same were holden in their own right, respectively; or the husband or guardian of any such person whose property shall be taken, as aforesaid, may appear and act for and in their behalf in obtaining an assessment of the damages to the same, under this act; and in case such infant or person *non compos mentis*, whose property may be taken, as aforesaid, shall be without guardian, the judge of the circuit or county court, as the case may be, shall have power to appoint a guardian *ad litem*, to act in behalf of such person.

Crossings.

§ 14. Whenever it shall become necessary, under this act of incorporation, for the construction of a single or double track railroad, or lateral lines therefrom, as therein authorized, to intersect or cross any stream of water, public road, highway, or any other railroad, it shall be lawful for such corporation to construct or cross the same: *Provided*, that said corporation shall restore such stream, water-course, road, highway or railroad to its former state, or in such manner as not to materially impair its usefulness.

Connections.

§ 15. At any time after the first election of directors of said company, said railroad company may connect its road with the railroad of any other railroad company in the State of Illinois, on such terms as said company may agree upon; and said company may consolidate its road and franchise with any other railroad in said State, on such terms as aforesaid; notice of which consolidation, if any, shall be in

writing, and filed in the office of the Secretary of the State of Illinois.

§ 16. As soon as may be, after the first election of said directors, they shall open books of subscription to the capital stock of said company, at such time and place as they shall deem necessary; and shall keep the said books open until the whole of said capital stock shall be subscribed, at which time said books shall be closed. Opening books of subscription.

§ 17. If any person or persons shall willfully or negligently do, or cause to be done, any act or acts whatever, whereby the said road, or any part thereof, or any building, construction or work of said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, weakened, or impaired, injured or destroyed, the person or persons so offending shall forfeit and pay to said corporation treble the amount of the damages sustained by reason of such offense, to be recovered, with costs of suit, in the name of said corporation, by action of debt; and such offender or offenders shall, also, be deemed guilty of a misdemeanor, and be subject to indictment, and punished as in other cases. Injury to road.

§ 18. For the purpose of facilitating the construction of said railroad authorized by this act, the said corporation is, and shall be permitted to negotiate a loan, or loans of money, to the amount of its capital stock, and to pledge all of its property, real and personal, and all its rights, credits and franchises, for the payment thereof, and for that purpose may execute bonds and mortgages, signed by the president and countersigned by the secretary thereof. Borrowing of money.

§ 19. It shall be the duty of the corporation hereby created, when the railroad contemplated by this act shall have been completed, to keep and maintain the same in good condition and repair; and whenever, from any cause whatsoever, the same shall become injured or out of repair, the said corporation shall immediately proceed to repair the same.

§ 20. This act shall be deemed and considered a public act, and shall be favorably construed for all purposes herein expressed, in all courts and places whatsoever.

§ 21. The provisions of this act shall be subject to this condition, namely, that the railroad herein contemplated shall be completed and finished within fifteen years from the passage hereof. Time of completion of road.

APPROVED February 21, 1863.

In force February 21, 1863. AN ACT to facilitate and authenticate the formation of a corporation by the purchasers or future owners of the Racine and Mississippi Railroad.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* In case the railroad of the Racine and Mississippi Railroad Company, or any part of the said railroad, lying within this State, shall be sold by virtue of any mortgage or mortgages, deed or deeds of trust, either by foreclosure or other proceedings in law or equity, or by advertisement, in pursuance of a power or authority in any such mortgage or deed of trust contained, or in case the title to said railroad shall pass from the present owners, in any manner whatever, then the purchaser or purchasers, or the future owner or owners, his or their associates, successors or assigns, if desiring to form a corporation, under or by virtue of the laws of this State or of the State of Wisconsin, or of both of said States, may file in the office of the Secretary of State of this State a certificate, specifying the name of said corporation, the number of the directors, and the names of the directors for the first year, as designated in the said certificate, or as directed by the said purchaser or purchasers, owner or owners, their successors or assigns; which certificate shall be signed by the said purchaser or purchasers, owner or owners, or the survivor of them, or their or his successors or assigns; and upon the filing of any such certificate, the persons who shall have signed the same shall be a body politic and corporate, by the name stated in such certificate; and the said corporation shall possess all the privileges, powers, authorities and capacities acquired by the said purchaser or purchasers, owner or owners, or possessed by the said Racine and Mississippi Railroad Company, by virtue of any law of this State or of the State of Wisconsin.

Consolidation of stock.

§ 2. Said new corporation, when so organized, shall have full power to consolidate their capital stock with that of the Northern Illinois Railroad Company or that of the Racine and Mississippi Railroad Company, in Wisconsin, or its successors, or both, and also with that of any other connecting railroad, and thereby to form a new company, which consolidated company may take any name it may agree upon, and shall have all of the powers of each of the consolidated companies. The articles of consolidation shall be [signed] by the parties interested, shall specify the names of the directors for the first year, and the number of the directors, and the name of the corporation, and shall be filed in the office of the Secretary of State of this State; and, upon the filing of such articles of consolidation, the parties interested shall be a body politic and corporate, by the name stated in such articles of consolidation, and shall possess all the privileges, powers, authorities and capacities possessed by each and all of said companies before such consolidation.

§ 3. The Northern Illinois Railroad Company is hereby authorized to enter into any such consolidation as is mentioned in the preceding section, upon a vote of a majority of its board of directors.

Northern Illinois
Railroad.

§ 4. Any corporation, incorporated by virtue of this act, may decide how many shares of stock shall represent its capital stock, and the amount of each share, and may issue preferred stock, or special stock, or otherwise divide its stock into classes.

Shares of stock.

§ 5. Any such corporation shall have full power to mortgage, lease or pledge its said road, or any portion of the same, and any other estate, real, personal or mixed, of which it may be seized at the time of, or which it may acquire after the execution of such mortgage, deed of trust, or other instrument in writing, to secure any bonds or indebtedness or evidence of indebtedness of such corporation, or to pay for the whole or any part of the purchase money or cost of the road, or any of the indebtedness of the original corporation, which it may agree to assume.

Mortgages.

§ 6. Any such corporation is hereby authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money, from any person or persons, corporation or body politic, of any kind, and for any rate of interest which may be agreed upon by and between such company and the party from whom such money may be obtained, and to make, execute and deliver, in or out of this State, all necessary writings, notes, bonds, bills, mortgages, deeds of trust, and all other papers or securities, in amount or kind, as may be deemed expedient by said corporation, in consideration of any such loan or in discharge of any liability they may incur in the purchase, construction, repair, equipment or operation of said road, or in any of the transactions of said company. And said company is hereby authorized, in its corporate capacity, to make, execute, issue and deliver its bonds or obligations, in such amounts as the directors of said company shall deem for the best interests of said company; and the directors of said company shall prescribe the sum or sums for which each of said bonds shall be issued, and the time or times and place or places when and where the principal and interest of the same shall be payable, the rate of interest which said bonds shall bear, and the manner and form in which the same and the interest coupons annexed to the same shall be executed. And to secure the payment of any and all of said bonds, the said company is hereby authorized and empowered, in its corporate capacity, to make, execute and deliver a mortgage or mortgages or deed or deeds of trust upon the whole or any part of said railroad, constructed or not constructed, and authorized to be purchased by this act, and upon any other and all of its estate, real, personal or mixed, in possession or expectancy. And the said company is hereby authorized and empowered, in and

Borrowing of
money.

Issue of bonds.

Mortgages and
deeds of trust.

by such mortgage or deed of trust, to confer upon the mortgagee or trustee full and ample power to enter into and upon and take possession of, have, use and enjoy, or sell and dispose of the whole or any part of said railroad or estate, real, personal or mixed, together with the functions pertaining to said railroad, and all other corporate and other franchises, rights and privileges of the said railroad company; to take up and remove any of the track or fixtures belonging to said railroad. And the directors of said company shall prescribe all matters relating to the form and terms of said mortgage or deeds of trust, and the manner and mode for the execution of the same, and may provide for the payment of the principal and interest secured to be paid by such bonds, either by the creation of a sinking fund out of the earnings of said railroad company, or in any other manner that they may deem best for the interest of said company; and said company may, by its agents, in or out of the State, sell, dispose of or hypothecate such bonds, when so issued as aforesaid, at par or at any other price, greater or less than par, or for such sum or sums as they may think proper.

Choosing of directors.

§ 7. Any such corporation may direct how the board of directors shall be chosen, and that they may be chosen either by the bondholders or by the stockholders, or by both, in such manner as the corporation may direct.

Meetings of directors, etc.

§ 8. It may be lawful for the meetings of the bondholders, stockholders, directors or officers of any such corporation, to be held within or without this State, at such time and place or places, as the by-laws of said company or the board of directors may, from time to time, appoint.

§ 9. This act shall be a public act, and shall be in force from and after its passage.

APPROVED February 21, 1863.

In force January 7, 1863. AN ACT to incorporate the Evansville and St. Louis Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Edwin Beecher, R. T. Foarth, Charles Wood, N. P. Branch, Edward Bonham, F. George, J. J. R. Turney, Thomas Cooper, S. J. R. Wilson, Daniel Wingate, Peter Prunty, Simon Johnson, John Trousdale, George Weed, William Gray, John Keen and Harris Woodward, and their associates and assigns, are hereby created a body corporate and politic, under the name and style of the "Evansville and St. Louis Railroad Company," with perpetual succession, with all the powers and privileges heretofore granted, necessary and incident to corporations created for similar purposes.

Corporate name.

§ 2. Said company is hereby authorized and empowered to locate, complete, construct and to maintain, equip and operate a railroad, with a single or double track, and with such appurtenances as may be deemed necessary by the directors for the convenient use of the same, from Grayville, in White county, by the way of Fairfield, in Wayne county, and by the most eligible route, to Saint Louis, Missouri; and, for this purpose, to enter upon and take a strip of land, one hundred feet wide, the entire length of said road, and to survey and determine the line of said road upon such route.

§ 3. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, may open books for subscription to the capital stock of said company, giving notice of the times and places when and where said books will be opened, at least thirty days previous thereto, by publication in one newspaper, published in the counties of White and Wayne, and in the city of Saint Louis. The said commissioners, or a majority of them, shall attend at the places appointed, and receive subscriptions to the capital stock of said company, until the sum of one hundred thousand dollars shall have been subscribed; when said commissioners shall give twenty days' notice, in a newspaper published in each of said places, of an election, by the stockholders, of a board of directors. The commissioners, or a majority of them, shall act as inspectors of said election. The stockholders present shall proceed to elect seven directors, by ballot. The directors, so elected, shall hold office for one year, and until their successors are elected and qualified.

§ 4. The capital stock of said company shall be one million of dollars, divided into shares of one hundred dollars each. At all elections for directors, each stockholder shall be entitled to one vote for each share of stock held by him. The directors shall hold their offices for one year, and until their successors are elected and qualified, and shall elect one of their number as president of said board.

§ 5. This act shall be in force from and after its passage, and shall be deemed and taken as a public act.

APPROVED January 7, 1863.

AN ACT to legalize the assessment of school directors of school district No. two, in McHenry township, in McHenry county, Illinois. In force January 17, 1868.

WHEREAS the school directors of district No. two, in McHenry township, in McHenry county, State of Illinois, did levy a tax, according to law, of two dollars on each

one hundred dollars of all the taxable property in said district, for the purpose of paying the indebtedness of said district, as is by law required; and whereas, by mistake, the proper return was not made to the county clerk, and consequently, no school tax was entered on the collector's book for said district; and whereas said directors did, on the nineteenth day of December, A. D. 1862, levy a tax of two dollars on each one hundred dollars of all the taxable property in said district, to supply said deficiency; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the assessment and levy of a tax made by the directors of school district No. two, in McHenry township, McHenry county, Illinois, on the nineteenth day of December, A. D. 1862, of two dollars on each one hundred dollars of all taxable property in said district, for school purposes, be and the same is hereby made and declared valid in law; and the county clerk of said McHenry county is hereby authorized and required to extend the same, immediately, on the collector's book for the said McHenry township, to be collected and paid over the same as though no error had been made by said directors.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED January 17, 1863.

In force February 21, 1863. AN ACT to amend an act entitled "An act to establish the Lincoln School District, in Logan county," approved February 24th, 1859.

WHEREAS the inhabitants of the extreme eastern portion of the Lincoln school district, in Logan county, as established by an act of the General Assembly, approved February 24th, 1859, in consequence of the distance of the school houses located in said district, and their inaccessibility during certain portions of the year, by reason of the impassable condition of the roads, are, in a great measure, deprived of the advantages enjoyed by the inhabitants of the remainder of said school district; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections twenty-five, (25,) and twenty-six, (26,) and thirty-five, (35,) and thirty-six, (36,) in township twenty, (20,) north, of range two (2,) west, being the four easternmost sections of said Lincoln school district, be and the same are hereby cut off and set apart therefrom; and the territory so cut off is hereby remanded to the jurisdiction of the trustees of schools

Portion of district
set off.

of the remainder of township twenty (20) north, of range two (2) west,

§ 2. This act shall be in effect from and after its passage.

APPROVED February 21, 1863.

AN ACT to amend an act entitled "An act to establish Pittsfield School District, in the county of Pike; to provide for building a School House therein; to levy and collect a special tax; to issue bonds and borrow money," approved February 18th, 1861. In force February 21, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the school directors of said school district be and are hereby empowered, when in their discretion they may find it expedient or necessary, to erect one or more school houses, in addition to that named in the original bill, to which this is an amendment, to purchase and hold real estate therefor, and to provide means for the education of children therein, in the same manner as authorized to do by the former law, in the buildings therein named, and for such time in each year as they may direct; and may raise funds for the purpose aforesaid, by taxation, to a like amount and in the same manner as provided in section 3 of the original act, as to said district. Erecting school houses.

§ 2. That said directors may use and exercise their own discretion, as to the period for which and the time when schools shall be kept in the several school houses, now built or hereafter to be built in said district, and may make all rules and regulations for the government of said schools and the control of teachers and pupils, as are not inconsistent with the existing school laws of the State of Illinois. Length of school terms.

§ 3. That said school directors, in the event of any resignation of a director, or death or absence of one or more of said directors, for such time as seriously to interfere with the business of said school district, may call an election to fill the place of such director or directors, who may have resigned, died or remained absent as aforesaid; and said directors remaining in office may call said election, upon ten days' notice, to be held at some central and convenient place in said district; and said election shall be held and conducted as provided by the law to which this is an amendment. Filling vacancies of directors.

§ 4. That all school funds, when collected for said district, shall, by each and every collector thereof, or other person receiving the same, be paid to the treasurer of said school district; and all money from the sale of bonds, shall be paid over to the treasurer of said district. Collecting school funds.

§ 5. That said directors may, in their discretion, enlarge said school district, and annex thereto any contiguous territory, upon the petition, in writing, of the owner or owners Enlargement of district.

of the land prayed to be annexed thereto; and all the provisions of laws, as to the original district, shall apply to each enlargement of said district.

Share of State funds. § 6. That said school district now is and shall be hereafter entitled to draw from the school funds, to be distributed to each of the townships out of which said Pittsfield school district is, or may be formed, a distributive share of the State funds, for school purposes, according to the same rule of distribution now existing or hereafter to be provided by State laws as to other school districts.

Tax to purchase apparatus, etc. § 7. That said directors are empowered to raise, by taxation, funds, to furnish school houses, to provide apparatus, maps and charts, for philosophical and educational purposes, and to buy a library for said district, and to make all rules necessary, as to the same; and they may accept and hold all gifts, for like purposes, as aforesaid.

To borrow money § 8. That the directors, aforesaid, shall have power and are hereby authorized, for the purpose of carrying out the provisions of the original act and of this amended act, in order to build said school house or houses, to borrow money, on the credit of said district, as now existing or hereafter to be enlarged, as provided in this act, not exceeding the sum of twenty-five thousand dollars, at a rate of interest not exceeding ten per centum per annum, payable annually, and may, therefor, execute bonds, with coupons, in such sums as the directors may decide, not less than one hundred dollars each; which bonds shall be redeemable within twenty years, and shall not be sold for less than the sum expressed in said bonds, each and every of them.

Appointment of treasurer. § 9. That a treasurer of said school district shall be appointed by a vote of said board of directors, who shall, annually, appoint said treasurer, after the election of each board of directors; and the term of office of said treasurer shall continue until his successor is elected and qualified. Said

Treasurer's bond. treasurer shall, after each appointment, execute a bond, with two or more freeholders as securities, to be approved by said directors, and their approval entered on their records; which bond shall be payable for the use of said district; and the conditions thereof shall be such as said directors may prescribe, not inconsistent with this law.

Duties of treasurer. § 10. It shall be the duty of said treasurer to receive and pay all money of said district on the order of said directors, and to make a statement from books and accounts to be kept by him, whenever by said directors requested; and he shall be liable to all the penalties now imposed by law on township treasurers.

§ 11. So much of all laws heretofore passed, as to said school district, as are inconsistent or repugnant herewith, or in conflict with these amendments, be and the same are hereby repealed. This act to take effect from and after its passage.

APPROVED February 21, 1863.

AN ACT to incorporate the Northwestern Chinese Sugar Manufacturing Company. Inforce February 12, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That D. W. Hirech, A. H. Lazare, Henry Sullivan, John Wood and J. H. Magehan, and their associates, successors and assigns, be and they are hereby created, a body politic and corporate, under the name and style of the "Northwestern Chinese Sugar Manufacturing Company," and under and by that name they and their associates and successors shall have succession, contract and be contracted with, sue and be sued, in all the courts and places, as natural persons. They shall have power to organize such company, by the appointment of a president and such other officers and servants as they may deem necessary, at such time and place as they may designate, by notice previously given by them; and when thus organized, they and their successors may have a common seal and alter the same at pleasure, and shall have power to make such by-laws, rules and regulations as they may deem necessary from time to time for the government, management and prosecution of the business of said company, not inconsistent with the constitution and laws of this State and of the United States, or employ as many agents as they may require and define the powers and prescribe the duties of such agents. Corporators.

§ 2. The said company shall have the right of acquiring, holding and transferring property, real and personal, of any and every description, by the methods and ways usual with individuals, and of erecting, at such places in this State as they may desire, such buildings, manufacturing establishments, machine shops, mills, and such other structures as may be necessary for carrying on the manufacture of sugar and molasses in this State, and shall have the right to acquire and hold such lands as may be necessary for growing Chinese sugar cane, sorghum, beet root, and all other products of the soil not forbidden by law, that they may desire to grow for the purpose of carrying on the business of the company. Purchase of real estate.

§ 3. The capital stock of said company may be fixed and altered by said company, but shall not exceed five hundred thousand dollars. The said capital stock may be divided into shares of one hundred dollars each, and sold and transferred as may be provided in the by-laws; and the holders of each share of one hundred dollars, shall have the right to cast one vote at all elections held by the company for the election of the president and other officers, or the transacting of any business connected with the interest of the company. Certificates of stock shall be issued to the holders thereof, whenever the same shall be paid for, and shall be considered and passed as real estate, and shall be Capital stock.

transferable in the books of the company, in such manner as shall be prescribed by the by-laws; but no stock shall be transferred by any person until all the debts and demands of the company against such persons shall first have been paid and discharged, and for all such debts and demands the company shall have and hold a lien on the stock of each person until the same are fully paid.

§ 4. It shall be lawful for the president and managers of said company, at any time they may desire, to borrow or obtain on loan, such sums of money, and on such terms, as they may deem expedient, and to issue the bonds of the company for the same, not however, to exceed in the whole twenty-five thousand dollars at any one time.

§ 5. Said company shall have a central office in the city of Cairo, and may establish branches and manufactories at such other places as may be necessary.

§ 6. This act shall be deemed a public act, and shall take effect from and after its passage, and shall be in force and effect hereafter for the space and term of fifty years.

APPROVED February 12, 1863.

In force January
31, 1863.

AN ACT to repeal the Rosemond stock law.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to prevent cattle, horses and all other animals from running at large in the township named in this act," approved February 16, 1857, be and the same is hereby repealed.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED January 31, 1863.

In force February 12, 1863. AN ACT authorizing Danville township, in Vermilion county, Illinois, to issue bonds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, for the purpose of building a bridge across the Big Vermilion river, in the west part of section eight, township nineteen north, range eleven west, in Vermilion county, Danville township,

Building bridge
and issue of
bonds.

in said county, is hereby authorized to issue bonds, for a sum not exceeding twenty thousand dollars, in sums not less than five hundred dollars, payable in one and two years, with interest at a rate not to exceed ten per cent. per annum.

§ 2. Said bonds shall be executed in the name of said township, signed by the supervisors and countersigned by the clerk of said township, under their private seals, and shall be binding on said township.

§ 3. The clerk of said township shall keep a record of the bonds issued, the numbers, to whom payable, for what amount, when payable, for what rate of interest, and when paid. And on the payment of each bond, the same shall be destroyed, by burning, in the presence of said supervisor and town clerk. Town clerk's record.

§ 4. Said bonds shall not be issued until said township shall have levied a tax on the taxable property of said township for two years, sufficient to meet the maturing bonds for each year.

APPROVED February 12, 1863.

AN ACT to amend the charter of the town of Hennepin, published on pages 131-135, of Laws of 1852. In force February 14, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the proviso in section 22, of the act referred to in the title to this act, be and the same is hereby repealed; and hereafter it shall and may be lawful for the board of trustees of the town of Hennepin to grant licenses for the retail of spirituous liquors within such corporation; which licenses shall not be for a longer period than one year from the date of the same respectively; but no such license shall be granted, except on payment to the town treasurer of some sum, to be fixed by said board, not less than twenty-five dollars nor more than one hundred dollars, which, in all cases, shall be reserved as a fund for improving the streets and sidewalks in said town, or for building a market house, as said board shall, from time to time, direct. Licenses for sale of liquors.

§ 2. Said board may, by ordinance, regulate the traffic in spirituous liquors within said town; and every license issued, as aforesaid, shall be subject to all rules and regulations made or to be made by said board, and shall be revocable by said board, for any non-compliance with or violation of such rules or regulations; and any penalty or penalties, which may be incurred under any such ordinance or ordinances, shall be collectable, by suit, in the corporate Regulation of traffic in liquors

name of said town, before any court of competent jurisdiction.

Recording of ordinances.

§ 3. The eleventh section of the act aforesaid is hereby repealed; and, hereafter, the ordinances of said town shall take effect at any time, to be therein designated, and shall be recorded by the clerk in a book to be kept for that purpose, to be open to the public; and such clerk shall append to such record of each ordinance the names of the trustees voting for and against the same, and the date of the passage thereof; and such record shall be *prima facie* evidence in all courts and places. And the board of trustees may authorize a like record to be made of all ordinances now in force in said town.

Sinking of artesian well.

§ 4. The board of trustees, aforesaid, or council, as designated in the act to which this is an amendment, may, at any time thereafter, after ascertaining the probable cost of an artesian well, to be located at some place in said town, to be designated by said board, submit to the legal voters of said town, at an election to be held therein, the question whether such well shall be provided and prepared; and if a majority shall, at such election, vote "for an artesian well," the said council may raise money to defray the expenses of the same; and for that purpose may take subscriptions, or enforce any previously made, or may issue the bonds of the corporation, to be payable at some time to be fixed by the board, levying a sufficient tax to pay the interest on such bonds until the principal shall become due, and providing for the ultimate payment of such bonds: *Provided*, that such tax shall not exceed one-half of one per centum per annum on the assessed value of the taxable property in said town; which taxes shall be collected in the same manner as other taxes assessed by said town: *And provided, further*, that ten days' notice of any such election, as aforesaid, shall be given by the town clerk.

Taxes and assessments.

§ 5. All taxes to be hereafter levied by said town shall be computed and charged on the valuations made by the assessor of the township within which said town of Hennepin is situated, as to all property subject to be taxed in said town, and shall be collected in the same manner, and by the same officers, as the county taxes; which officers, respectively, shall pay the same over to the treasurer of said town, as collected, or on demand: *Provided*, that the council may require the several collectors, respectively, to give sufficient security for the performance of their duty in respect to collecting and paying over such taxes. And the county clerk shall compute such taxes and charge the same, in each year, as in respect to county taxes: *Provided*, that the town clerk shall return to him, at least ten days before the time for delivering the collector's book to the township collector, a certificate, showing the rate of taxes so to be levied, together with a list of the names of the resident tax payers of

said town; and such taxes for the town may all be assessed in one column on the collector's book. And the offices of assessor and collector for said town corporation are abolished.

§ 6. The fees of the county clerk, for extending such taxes, and noting the same on the books necessary to be used, shall not exceed two cents for the name of each person charged therewith, and one cent for each tract, block or lot separately charged with such taxes. The county clerk, also, without further fee, shall certify to the clerk of said corporation, the aggregate amount of such town taxes, designating the amount charged on personal property and the amount on real estate respectively. The fees of the collectors, respectively, shall not exceed two per cent. on the amount collected by them, respectively.

County clerk's fees.

Collectors' fees.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 14, 1863.

AN ACT to amend an act entitled "An act to incorporate the town of Geneseo, in Henry county," approved February 14, 1855. In force April 16, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section seventeenth of an act entitled "An act to incorporate the town of Geneseo, in Henry county," approved February 14th, 1855, be and is hereby so amended that the board of trustees of said township shall have exclusive power to regulate, prohibit or license the selling of spirituous, vinous and malt liquors, of any kind, within the corporate limit of said town.

Sale of liquor.

APPROVED February 16, 1863.

AN ACT to amend an act entitled "An act to incorporate the town of Effingham," approved February 20, 1861. In force February 16, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section three, of an act to incorporate the town of Effingham, Effingham county, Illinois, approved February 20th, 1861, be amended so as to read as follows, to wit: That all those tracts of land embraced within the following boundaries, to wit: beginning at the centre of section twenty-nine, thence east to the centre of section twenty-eight, thence north to

Boundaries of the town.

the centre of section twenty-one, thence west to the centre of section twenty, thence south 80 rods, thence west 40 rods, thence south 80 rods, thence east 40 rods, thence south to the place of beginning, in township eight north, range six east, be and the same is hereby declared to be within the limits or boundaries of the said town of Effingham.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 16, 1863.

In force February 16, 1863. AN ACT to vacate certain streets in the town of Western Addition, in Clinton county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Fayette street, Clinton street, and Bond street, in the town of Western Addition to Centeno, in the county of Clinton, be and the same are hereby vacated.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1863.

In force February 16, 1863. AN ACT to vacate the plat of the town of Stonington, in Christian county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town and town plat of the town of Stonington, in the county of Christian, be and the same is hereby vacated.

§ 2. This act shall be in force from and after its passage.

APPROVED February 16, 1863.

force February 14, 1863. AN ACT to incorporate the town of Highland, in the county of Madison.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Highland, in the county of Madison, and State of Illinois, be and they are hereby constituted and declared a body politic and corporate, by the name and style of "The Town of Highland;" and by that name have perpetual succession, and may have

and use a common seal, which they may change and alter at pleasure.

§ 2. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal in said town, and to purchase and receive and hold property, personal and real, beyond the limits of said town, for burial grounds, and other public purposes, to sell, lease and convey property, both real and personal, for the use of said town, and to protect and improve any such property as the public good may require.

§ 3. The boundaries of said town of Highland shall include the original town of Highland, with the several additions thereto, as the same are recorded in the recorder's office at Edwardsville, in said county of Madison, and other additions that may hereafter be made according to law.

§ 4. The government of said town shall be vested in a town council, which shall consist of a president and four trustees, to be chosen annually by the qualified voters of said town, and who shall hold their office for one year, and until their successors are elected and qualified.

§ 5. No person shall be a member of the town council unless he shall be at the time of, and shall have been for one year next preceding his election, a resident of the town, and shall be at the time of his election, twenty-one years of age, a citizen of the United States, and a *bona fide* freeholder within the limits of the corporation.

§ 6. If any member of the town council shall, during the term of his office, remove from the limits of the corporation, his office shall become vacant.

§ 7. The town council shall appoint their own president, and shall judge of the qualifications and returns of its own members, and shall determine all contested elections, in such manner as may be prescribed by ordinance.

§ 8. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of members, under such fines and penalties as may be prescribed by ordinance; and shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

§ 9. All vacancies that may occur by reason of removal, resignation, death or otherwise, the town council shall give ten days' notice by posting up at least three advertisements in said town for the election of a trustee to fill such vacancies, to be filled in the same manner as provided for in regular elections.

§ 10. The town council shall keep a journal of their proceedings; and shall have power to appoint and compensate a clerk whose duties shall be described by ordinance.

Oath of officers.

§ 11. Each member of the town council, before entering upon the duties of his office, shall take and subscribe an oath, before any person authorized by law to administer oaths, that he will support the constitution of the United States and of this State, and that he will truly perform the duties of his office to the best of his knowledge and ability; and such council shall meet at such times and places as may be described by ordinance.

Voters.

§ 12. All white male persons, of and over the age of twenty-one years, who shall have been *bona fide* residents of said town for twelve months next preceding any election, and who shall, during that year, have paid a tax on real or personal estate, shall be entitled to vote at any municipal election by reason of this charter.

Annual election.

§ 13. On the first Monday in April next, an election shall be held in said town of Highland for the election of the five members of the town council of said town; and forever after, on the first Monday in April of each year an election shall be held for said offices.

Vote upon charter.

§ 14. This charter shall be submitted to a vote of the people of Highland on the first Saturday of March next, and if adopted by two-thirds majority of the votes cast, it shall become a law from the time the same is so adopted, otherwise to be null and void. The polls at this election shall be opened at two o'clock, P. M., and kept open till six o'clock, P. M. The voters of said town, who are present at the time of opening the polls, shall appoint three judges and a clerk to act as such at that election, and if this charter is adopted, said judges and clerk shall make a certificate of the same, and file it in the county clerk's office of said county of Madison.

Assessment of tax.

§ 15. The town council shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within the limits of said town, which is subject to taxation for State and county purposes, not exceeding one half per cent. upon the assessed value thereof; and if, at a special election to be held for this purpose a majority of the voters so decide, may assess and enforce the collection of the same by any ordinance not repugnant to the constitution of this State; also, to appropriate money and provide for the payment of debts and expenses of the town. The assessment of the taxable property of said town for its use shall be the same as that made by the county assessor, a copy of which is to be procured by the clerk of the council at the expense of the town.

Debts.

§ 16. The town council shall have no power to contract interest-bearing debts whatever, unless a majority of the

voters shall decide so at a special election held for this purpose.

§ 17. The town council shall have power to appoint a town attorney, auditor, treasurer, one or more street commissioners, collector and such other officers as they may deem expedient, and to require them to give such bonds and security as may be deemed necessary to insure the faithful performance of their respective duties, before entering upon the discharge of the same. Either of the duly elected and qualified constables of the Highland district shall be authorized to act as town constable.

Appointment of officers.

§ 18. The town council shall have power to make regulations to secure the general health of the inhabitants of the town, to declare what shall be considered a nuisance, and to prevent, or, if at the next election a majority of the voters approve such decision, remove the same.

Health.

§ 19. To open, abolish, alter, widen, extend, establish, improve and keep in repair roads, streets, alleys and public grounds in said town, and one mile beyond; and erect, maintain and keep in repair bridges, drains and sewers. For this purpose they shall have power to require every male inhabitant of said town, over the age of twenty-one years to labor on said streets, roads or alleys, etc., two days in each year; and every person failing or refusing to perform such road labor shall forfeit and pay one dollar per day for each day so neglected and refused.

Streets.

§ 20. The inhabitants of said town shall be exempt from the performance of road labor and the payment of road tax levied by authority of the county court, and the entire jurisdiction and control of the roads, highways and bridges in said town shall be held and exercised by the president and trustees as aforesaid.

Road labor.

§ 21. To erect needful buildings for the use of the town, and to improve and protect public property.

Police buildings.

§ 22. To license, tax and regulate auctioneers, dram-shops, wine, beer and alehouses, and peddlers.

Licenses.

§ 23. Persons selling spirituous, vinuos liquors, or any composition thereof, or spirits, wines, cider, beer or ale within the corporate limits of said town, in quantities less than one gallon, without a proper license, shall be fined ten dollars for each offense, as now provided in the statutes of this State; and the same may be collected, on complaint, before any justice of the peace in the town of Highland; and penalties and fines collected before any justice of the peace in Highland, under this section, shall be paid into the treasury of said town; and the court first taking jurisdiction of such offense in this section prescribed, shall retain jurisdiction of the same and the same shall be a bar to any proceedings afterwards commenced in any other court.

Liquor traffic.

§ 24. The town council shall have power to suppress gaming houses, bawdy houses, and other disorderly houses;

Disorderly houses.

to license, tax and regulate theatrical and other exhibitions or shows, and to provide for the trial and punishment of persons who may be engaged in assaults and batteries and affrays within the corporate limits of said town.

Fees of officers.

§ 25. To fix the fees and compensation of town officers, and others, for services rendered under the provisions of this act.

§ 26. To prevent the incumbering of the streets, alleys and public grounds of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any street, alley, or uninclosed lot in said town.

Animals at large.

§ 27. To prevent the running at large of dogs, and to provide for the destruction of the same when at large, contrary to the provisions of any ordinance in such cases made.

Disturbance of the peace.

§ 28. To provide for the punishment of persons who may at any time disturb the peace of the inhabitants of said town or the deliberations or proceedings of any public meeting of said inhabitants, or the board of trustees when in session.

Police regulations.

§ 29. To regulate the police of the town; to impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriations of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in all cases the right of trial by jury shall be allowed to any person or persons charged with a breach of any of the provisions of this act or any ordinance made in pursuance thereof: *And further, provided*, that no such fine shall exceed the sum of twenty dollars for each offense.

§ 30. The town council shall have power to make and enforce all ordinances which may be necessary and proper for carrying into effect all the powers specified in this act, or as the good of the inhabitants of said town may require, so that such ordinances are not repugnant to nor inconsistent with the constitution of the United States or of this State.

Style of ordinance.

§ 31. The style of ordinance of the town shall be: *Be it ordained by the President and Council of the town of Highland;* and all ordinances shall, within one month after they were passed, be published and made known by four written or printed advertisements, put up at four public places within the limits of the town, or in some newspaper printed in said town or in said county; and the certificate of the publishers of such newspaper, or of the clerk of the town, under the seal of the corporation, shall be *prima facie* evidence of such ordinance and of its publication; and no ordinance shall take effect until published as aforesaid.

§ 32. All ordinances may be proved by the seal of the corporation, and when published and printed in book or

pamphlet form, and purporting to be printed or published by authority of the town of Highland, the same shall be received as evidence in all courts of law or equity, and in all places without further proof.

§ 33. The president shall preside at all meetings of the council, when present, and in case of his absence at any meeting, the council shall appoint one of their number chairman, to preside at that meeting. The president, or any two members of the council, may call special meetings of the same. President's duties.

§ 34. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinate officers, and cause negligence and willful violation of duty to be punished. He shall have power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the law and ordinances, and in case of a riot, to call out the militia to aid in suppressing the same, or in carrying into effect any law or ordinance; and any and every person who shall fail to refuse to obey such call shall forfeit and pay into the treasury of said town the sum of ten dollars.

§ 35. The president, or any member of the council shall have access to the books and papers of any subordinate town officers, that refer to their respective town offices.

§ 36. The president and the members of the town council shall not be entitled to any compensation for their labors as such.

§ 37. The town constable, appointed under the provisions of this act, shall have power and authority to execute all processes issued for the breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of Madison, and shall have the same power, authority and jurisdiction within the limits of said town as other constables under the law of this State, and shall give bond and qualify as the said board by ordinance shall prescribe. Duties of town constable.

§ 38. If at any time hereafter two-thirds of the qualified voters of the town of Highland decide by public election, to be held for that purpose, that this town be disincorporated, such may be done according to the general laws of this State.

APPROVED Feb. 14, 1863.

AN ACT to amend the charter of the town of Paris.

In force February
20, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town council of the town of Paris shall have power to grant

license for the sale of ardent spirits in less quantities than one gallon, and to license, govern or suppress billiard tables or bowling saloons, and to tax, regulate and control the same, within the corporate limits of said town.

§ 2. That no moneys shall be appropriated or taxes levied and collected by the town council, for any other than municipal purposes.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 20, 1863.

In force April
20, 1863.

AN ACT vacating a part of Hayward's division of the town of Pana.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That blocks one, two, thirteen and fourteen, in John S. Hayward's division of the town of Pana, and the streets and alleys adjoining thereto, be and the same is hereby vacated.

APPROVED February 20, 1863.

In force February
20, 1863.

AN ACT to vacate the town plat of the town of Prairieville, in Hancock county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town plat of the town of Prairieville, situated upon section ten, (10,) in township four (4) north, range eight (8) west, in Hancock county, Illinois, be and the same is hereby vacated.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 20, 1863.

In force February
20, 1863.

AN ACT to amend an act entitled "An act to incorporate the town of St. Charles," approved February 12th, 1853.

Sale of liquor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in General Assembly,* That in addition to the powers conferred upon the president and trustees of the town of St. Charles, by the above entitled act, they shall have the power to license, tax and regulate the selling

and traffic in spirituous, vinous, mixed and malt liquors, under such restrictions and upon such terms as may be prescribed by ordinance.

§ 2. That so much of the above act as may conflict with the provisions of this act be and the same is hereby repealed.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 20, 1863.

AN ACT supplementary to an act entitled "An act to provide for leasing the land granted as a common to the inhabitants of the town of Prairie du Rocher, in Randolph county, or so much of said land as it shall be to the interest of the inhabitants of said town to lease for school purposes," approved February 8, 1851. In force February 16, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the commons of Prairie du Rocher shall have power, and are hereby authorized to appropriate a portion of the proceeds arising from the leasing of said commons to the purposes of religion and for the support and advancement thereof: *Provided*, that no appropriations shall be made under this section unless the same shall have been asked for and desired by a majority of the voters of the said town of Prairie du Rocher, by a petition or petitions, presented to the said president and trustees, indicating the religious purposes to which the same shall be applied, and the amount thereof thus to be applied.

§ 2. This act shall in force from and after its passage.

APPROVED February 16, 1863.

AN ACT to amend "An act to incorporate the town of Moline," approved February 14, 1855, and an amendment to said act, approved February 18, 1857. In force February 20, 1863.

Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the town of Moline, in Rock Island county, by the president and trustees, and their successors in office, be and they are hereby authorized and empowered to borrow money or loan its credit, on the faith and pledge of said town, in such sums and at such rate of interest, not exceeding ten per cent. per annum, as may be deemed for the benefit of said town: *Provided*, no amount of money shall be borrowed or credit of the town used beyond what is now allowed by law, without first submit- Borrowing of money and issue of bonds.

ting the matter to a vote of the people of the town, in the manner now required by the charter; and to issue bonds or other obligations therefor, under the seal of said town, signed by the president and clerk of the board of trustees and their successors in office.

This act to take effect and be in force from and after its passage.

APPROVED February 20, 1863.

In force February 20, 1863. AN ACT to amend an act entitled "An act to revise and amend an act entitled 'an act to incorporate the town of Danville,'" approved February 15th, 1855.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all moneys received by any of the corporate authorities of the said town of Danville, for licenses issued or granted by said corporate authorities, for any purpose whatever, shall be paid into the treasury of said town, as a fund belonging to said town and shall be disbursed by the corporate authorities of said town, the same as other moneys are now disbursed for the use and benefit of said town.

§ 2. This act shall be in force and take effect from and after its passage.

APPROVED February 20, 1863.

In force June 13, 1863. AN ACT to vacate a street and part of streets in the town of Providence, in Bureau county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the street and parts of streets of the town of Providence, Bureau county, Illinois, which are situated north of High street, in said town, as the same are plotted and recorded in the recorder's office of said county, be and the same are hereby vacated; and the town plot of the said town of Providence is hereby so restricted and curtailed that the said High street is hereby made the northern limits of said town of Providence.

§ 2. This act to be in force from and after its passage.
APPROVED June 13, 1863.

AN ACT to amend the charter and increase the powers of the town of Carlinville. In force June 13, 1868.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the town of Carlinville, in addition to the powers already vested in them, shall have power, by order to be entered on the records of said town, or by ordinance, to require the owners of any premises fronting upon any street, square, lane, or alley in said town, to construct, repair, relay, or cleanse sidewalks in front of, or any private drain leading into any main drain, upon said premises, at the expense of the owner or owners of such premises; and if not done by such owner or owners, within the time, and in the manner so ordered or directed, the president and trustees of said town may cause the same to be done, and the costs and expenses of constructing, repairing, relaying, or cleansing such sidewalk or private drain, may be recovered of the owner or owners of any such premises, by suit before the police magistrate, or other court having jurisdiction of the amount in controversy, as for money paid and laid out to the use of such owner or owners. Said suit shall be in the name of the town of Carlinville, and the expenses of constructing, repairing, relaying, or cleansing any such sidewalk or private drain by said town, shall be a lien on the premises in front of or upon which, said work shall be performed from and after the work shall be done for the space of one year, which may be enforced in the manner provided in this act.

Repair of sidewalks.

§ 2. The owner or owners of any premises in front of or upon which the president and trustees of said town shall order or direct sidewalks or private drains to be constructed, repaired, relaid or cleansed, shall have notice, if he or she can be found in said town, to construct, repair, relay, or cleanse such sidewalk or private drain, which notice shall be issued by the clerk of said town under his hand, therein describing with reasonable certainty the premises, and the sidewalk or private drain to be constructed, repaired, relaid or cleansed, the work to be performed, and the time in which the work is to be done. Said notice shall be directed to the owner or owners of the premises, and shall be served by the town constable or street inspector, on such owner or owners (if to be found in said town,) by reading; and it shall be returned by the officer serving the same, to the clerk, with his endorsement thereon, showing the time and manner of such service, and shall be filed by the clerk in his office, and by him carefully preserved, and it and the return thereon shall be *prima facie* evidence of the facts therein stated.

Notice to be given to owners of property.

§ 3. At any time after judgment shall be rendered against the owner of any premises, as provided for by the first section hereof, the president or attorney of said town may cause

Judgment and execution.

the police magistrate or other justice of the peace before whom the judgment may be rendered to certify a transcript of the proceedings in the case in the same manner as is now required by law. Where the judgment of a justice of the peace is to become a lien on the real estate of the defendant, said transcript shall be filed in the office of the clerk of Macoupin county circuit court, and recorded in the book kept for that purpose; and from and after the filing said transcript by said clerk, execution may issue thereon and levied as in other cases, either upon the premises upon which the lien is created as aforesaid, or other property of the defendant to be found in said county: *Provided*, that previous to the filing said transcript, the police magistrate or other justice of the peace, as the case may be, may issue execution on said judgment as in other cases.

Town hall and
market house.

§ 4. The president and trustees of said town of Carlinville shall have power to construct a town hall or market house, and other needful buildings for the use of said town, and for that purpose said town may purchase and hold property, both real, personal and mixed. They shall also have power to construct one or more workhouses, and to compel persons convicted of violating any penal ordinances of said town to work out the fines and costs adjudged against them, in said workhouse, or upon the streets, squares, or public buildings in said town, in such manner as may be prescribed by ordinance. The buildings aforesaid shall be exempt from all taxes whatsoever. They shall also have power, by ordinance, to protect the buildings and other property of said town, and to punish persons for injuring the same; but a conviction under any such ordinance shall not prevent said town from maintaining an action for the damages done to such property by any person. They shall also have power to declare what shall be malicious mischief in said town, and to pass all ordinances necessary to prevent and to punish the commission of the same.

Property sold for
taxes.

§ 5. That hereafter when any lands shall be sold by virtue of any execution in favor of said town or shall be sold for taxes due said town, and there shall be no bidder who will bid the amount of the execution or taxes and costs and said town shall be desirous of bidding more than any other bidder, the president of said town, or some person by him authorized, may bid the property off for the town, and the same proceedings shall thereafter be had, and the same rights shall be acquired by said town as if said town were a natural person. This act shall not prevent said town from proceeding as heretofore provided to levy, assess and collect taxes for the construction of sidewalks. This act is hereby declared to be a public act, and shall be in force from and after its passage.

APPROVED, June 13, 1863.

AN ACT to attach a part of range No. 10 west, in Vermilion county, to range No. 11 west, in said county. In force February 2d, 1863.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That fractional sections No. 6, 7, 18, 19, 30 and 31, in township No. 22 north, range No. 10 west, in Vermilion county, be and are hereby attached to township No. 22 north, range No. 11 west; and that the rights and privileges of the inhabitants of said fractional sections, in said township No. 22 north, range No. 10 west, and the inhabitants of township No. 22 north, range No. 11 west, shall be reciprocal, the same as though the whole of said territory was embraced in one township for common school purposes, under the school laws of this State.

§ 2. *And be it further enacted,* That fractional sections No. 6, 7, 18, 19, 30 and 31, in township No. 23 north, range No. 10 west, in Vermilion county, be and are hereby attached to township 23 north, range 11 west, in said county; and that the rights and privileges of the inhabitants of said fractional sections, in said township 23 north, range 10 west, and the inhabitants of township 23 north, range 11 west, shall be reciprocal, the same as though the whole of said territory was embraced in one township for common school purposes, under the school laws of this State.

§ 3. That this act shall be in force from and after its passage.

APPROVED February 2, 1863.

AN ACT to legalize a certain tax levied in the town of Limestone, Kankakee County, Illinois, and for other purposes. In force February 12, 1863.

WHEREAS the legal voters in the town of Limestone, in the county of Kankakee, at the April town election, for the year A. D. 1862, did vote in favor of levying a tax of one cent on every dollar's worth of property, both real and personal, in said town, for the purpose of aiding in the construction of a bridge across the Kankakee river, at Kankakee City; and whereas the board of supervisors of said Kankakee county, at their September session, 1862, did pass an order in favor of levying and collecting said tax; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be levied, immediately after the passage of this act, a tax of Levy of tax. one cent on every dollar's worth of property in said town of Limestone; and the same shall be collected by the collector at the same time and in the same manner that other taxes are; and, when collected, shall be paid over to the

Payment to Kankakee bridge committee.

county treasurer of the county of Kankakee; and it shall be the duty of said treasurer, upon the receipt thereof, to pay the same over to the Kankakee bridge committee, immediately, and take their receipt therefor; which receipt shall be his sufficient acquittance therefor.

Vote on tax in certain towns.

§ 2. It shall be lawful for the towns of Essex, Salina, Norton, and Pilot, at their next town elections, to vote for or against the levying and collecting a tax on the property in said towns, not exceeding one cent on each dollar's worth of property, for the purpose of aiding in paying for the construction of said bridge across said Kankakee river, at said Kankakee City; and, if a majority of the votes cast at said election shall be in favor of a tax, the same shall be levied and collected as other taxes are; and, when collected, shall be paid over and disposed of according to the provisions of this act for the town of Limestone.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1863.

DEPARTMENT OF STATE,

Springfield, August 15, 1863.

I, O. M. HATCH, Secretary of State of the State of Illinois, do hereby certify that the foregoing, except the words printed in brackets, thus, [] (which are inserted for the purpose of correction and explanation,) are true and perfect copies of the enrolled laws on file in my office.

In testimony whereof, I have hereunto set my hand, the day and year aforesaid.

O. M. HATCH,

Secretary of State.

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I N D E X .

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